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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

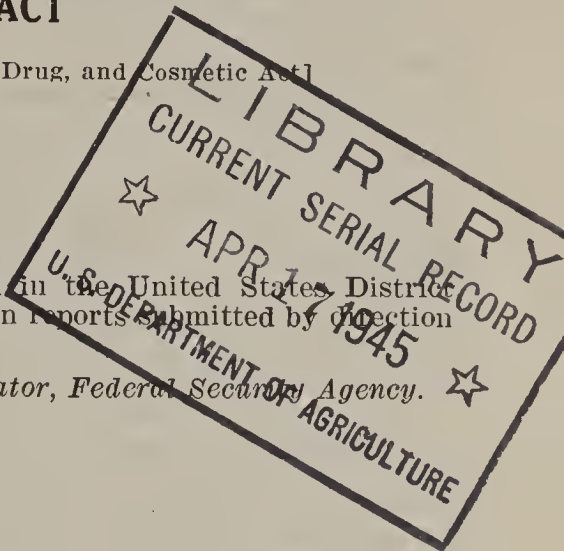
5801-6000

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by inspection of the Federal Security Administrator.

WATSON B. MILLER, Acting Administrator, Federal Security Agency.

WASHINGTON, D. C., November 6, 1944.



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BEVERAGES AND BEVERAGE MATERIALS

5801. Adulteration and misbranding of coffee concentrate. U. S. v. 4 1-Gallon Jugs of Coffee Concentrate. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10075. Sample No. 44977-F.)

LABEL FILED: June 19, 1943, District of Connecticut.

ALLEGED SHIPMENT: On or about April 8, 1943, by the H. Heiman Co. from New York, N. Y.

PRODUCT: 4 1-gallon jugs of coffee concentrate at Hartford, Conn.

LABEL, IN PART: "Crown Products Pure Coffee Concentrate."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of flavoring, caramel color, and water, containing little or no coffee extractives, had been substituted in whole or in part for pure coffee concentrate, which the article purported and was represented to be; Section 402 (b) (3), inferiority had been concealed through the use of caramel color and water; and, Section 402 (b) (4), caramel color and water had been added to or mixed or packed with the article so as to reduce its quality or strength, or make it appear better or of greater value than it was.

Misbranding, Section 403 (a), in that the name, "Pure Coffee Concentrate," and the statements under directions, "For Coffee Syrup * * * Coffee Concentrate * * * For Hot Coffee—Replace ½ amount of coffee usually used

by using for every $\frac{1}{2}$ pound of coffee replaced 1 ounce of Coffee Concentrate. For example, where you used 5 pounds of Coffee, now use $2\frac{1}{2}$ pounds of Coffee and 5 ounces of Coffee Concentrate. With Sillex—"Use $\frac{1}{2}$ pack of Coffee and $\frac{1}{2}$ ounce of Coffee Concentrate," were false and misleading; and, Section 403 (b), the article was offered for sale under the name of another food.

DISPOSITION: December 28, 1943. Henry Heimann appeared as claimant and admitted the allegation of the libel. Judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5802. Adulteration of cider. U. S. v. 380 Cases of Cider. Default decree of condemnation and destruction. (F. D. C. No. 11161. Sample Nos. 20837-F, 51470-F.)

LIBEL FILED: November 23, 1943, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 27, 1943, by the Rowse Co., Hamlin, N. Y.

PRODUCT: 380 cases, each containing 4 1-gallon jugs, of cider at Somerville, Mass.

LABEL, IN PART: (Jugs) "Minute Man Sweet Cider."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the use, in the manufacture of the product, of rotten and wormy apples, and it consisted in whole or in part of a decomposed substance by reason of the presence of decomposed apple juice; Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: January 31, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5803. Misbranding of imitation grape base. U. S. v. 31 Cases of Imitation Grape Base. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10527. Sample Nos. 28988-F, 35703-F.)

LIBEL FILED: September 2, 1943, Northern District of Georgia.

ALLEGED SHIPMENT: On or about July 3, 1943; by Holler's Concentrated Beverages, Miami, Fla.

PRODUCT: 31 cases, each containing 12 bottles, of imitation grape base at Atlanta, Ga.

LABEL, IN PART: (Bottle) "Sexton's Contents 1 Pint Imitation Grape Base * * * packed for John Sexton & Co. Distributors Chicago-Brooklyn."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that the statement "Contents 1 Pint" was false and misleading as applied to an article that was short volume; and, Section 403 (e) (2), in that the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: November 22, 1943. A. M. Lerner, J. Carter Hollis, Thelma Hollis, and Jacob Lerner, doing business as Holler's Concentrated Beverages, claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5804. Adulteration of canned grapefruit juice. U. S. v. 199 Cases and 295 Cases of Canned Grapefruit Juice. Default decree of condemnation and destruction. (F. D. C. No. 9780. Sample No. 20612-F.)

LIBEL FILED: April 9, 1943, District of Massachusetts.

ALLEGED SHIPMENT: On or about February 22, 1943, by the Christensen Products Corporation, Weslaco, Tex.

PRODUCT: 199 cases, each containing 24 No. 2 cans, and 295 cases, each containing 12 No. 3 cans, of grapefruit juice at Boston, Mass.

LABEL, IN PART: "Tropic Gold Brand Unsweetened Grapefruit Juice."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of scavenger flies and scavenger fly larvae, eggs and fragments, and

mold; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5805. Adulteration and misbranding of orangeade. U. S. v. 71 Cases of Orange Ade. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 11081. Sample No. 41582-F.)

LABEL FILED: November 9, 1943, Southern District of Alabama.

ALLEGED SHIPMENT: On or about September 10, 1943, by the Sun-Rich Products Co., New Orleans, La.

PRODUCT: 71 cases, each containing 12 half-gallon jars, of orangeade at Mobile, Ala.

LABEL, IN PART: "Sun-Glow Orange Ade."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), an artificially colored and acidulated liquid, sweetened with sugar and flavored with orange oil, containing orange pomace, a very small amount of orange juice, and an insignificant amount of vitamins, had been substituted in whole or in part for "Orange Ade Rich in Vitamins"; Section 402 (b) (3), inferiority had been concealed by the use of color, orange oil, and added acid; and, Section 402 (b) (4), color, orange oil, and acid had been added to or mixed or packed with the article so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the statements, "Orange Ade Made From Fresh Ripe Fruit * * * Rich In Vitamins Contains the juice of fresh California oranges," were false and misleading as applied to a product containing very little orange juice and an insignificant amount of vitamins; and, Section 403 (c), it was an imitation of another food, orangeade, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

DISPOSITION: December 28, 1943. No claimant having appeared, default decree of condemnation was entered, and the product was ordered distributed to charitable institutions.

CEREALS AND CEREAL PRODUCTS*

ALIMENTARY PASTES

5806. Adulteration and misbranding of egg noodles. U. S. v. Prince Macaroni Manufacturing Co. Plea of guilty. Fine, \$100. (F. D. C. No. 9665. Sample Nos. 18749-F, 19873-F.)

INFORMATION FILED: June 28, 1943, District of Massachusetts, against the Prince Macaroni Manufacturing Co., a corporation, Lowell, Mass.

ALLEGED SHIPMENT: From on or about October 15 to November 14, 1942, from the State of Massachusetts into the States of New York and Rhode Island.

LABEL, IN PART: (Packages) "Pure Egg Noodles."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, eggs, had been in whole or in part omitted from the article; Section 402 (b) (2), artificially colored noodles, containing less egg solids than egg noodles should contain, had been substituted in whole or in part for egg noodles, which the article was represented to be; Section 402 (b) (3), it was inferior to egg noodles and its inferiority had been concealed by the addition of artificial color; Section 402 (b) (4), artificial color had been added to or mixed or packed with the article so as to make it appear better or of greater value than it was; and, Section 402 (c), it contained a coal-tar color other than one from a batch that had been certified.

Misbranding, Section 403 (a), the statements "egg noodles" and (portion) "Contains * * * 5½% of solid egg yolk," appearing in the label, were false and misleading since the article did not consist of egg noodles and the said portion did not contain 5½ percent of solid egg yolk; and, Section 403 (b), the article was not egg noodles, but was a food containing a smaller amount of eggs than egg noodles should contain, and it was offered for sale under the name of another food, egg noodles.

DISPOSITION: October 13, 1943. A plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

*See also Nos. 5830, 5996, 5997, 6000.

5807. Adulteration of macaroni. U. S. v. Cardinale Macaroni Mfg. Co., Inc. Plea of guilty. Fine, \$1,500. (F. D. C. No. 10585. Sample Nos. 22817-F, 28958-F.)

INFORMATION FILED: January 5, 1944, Eastern District of New York, against the Cardinale Macaroni Mfg. Co., Inc., Maspeth, N. Y.

ALLEGED SHIPMENT: On or about April 21 and 28, 1943, from the State of New York into the States of Delaware and South Carolina.

LABEL, IN PART: "Cardinale."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following: Insect fragments, rodent hair fragments, charcoal, and small dirt fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 1, 1944. The defendant having entered a plea of guilty, a fine of \$750 on each of 2 counts, a total of \$1,500, was imposed.

5808. Adulteration of macaroni. U. S. v. 21 Cartons of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 10936. Sample No. 39488-F.)

LIBEL FILED: October 19, 1943, District of Arizona.

ALLEGED SHIPMENT: On or about June 8, 1943, by the Fontana Food Products Co., San Francisco, Calif.

PRODUCTS: 21 cartons of macaroni at Safford, Ariz.

LABEL, IN PART: "Cel-Mac Brand Macaroni Products A Fontana Product Cel-Mac Cellophane Macaroni."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance since it contained insect larvae and casts.

DISPOSITION: December 2, 1943. No claim having been entered, the product was condemned and ordered destroyed.

5809. Adulteration of spaghetti and macaroni. U. S. v. 1,100 Cases of Spaghetti and 400 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 10859. Sample Nos. 47241-F, 47242-F.)

LIBEL FILED: October 2, 1943, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 11, 1943, by the V. Viviano & Bros. Macaroni Manufacturing Co., Inc., St. Louis, Mo.

PRODUCT: 1,100 cases, each containing 24 cartons, of spaghetti, and 400 cases, each containing 24 cartons, of macaroni at Memphis, Tenn.

LABEL, IN PART: "Belmont Spaghetti," or "Belmont Macaroni."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances since they contained insect fragments, rodent hair fragments, and fragments resembling rodent hairs; Section 402 (a) (4), they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: January 29, 1944. No claimant having appeared, a default decree of condemnation and destruction was entered.

5810 Adulteration of spaghetti and macaroni. U. S. v. 43 Cases and 126 Cases of Spaghetti and 126 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. Nos. 11225, 11457. Sample Nos. 57688-F, 57692-F, 57693-F.)

LIBELS FILED: December 4 and 18, 1943, Western District of Texas.

ALLEGED SHIPMENT: On or about February 12, 1942, from Louisville, Ky., and on or about June 2 and 22, 1943, from Wichita, Kans., by the Kentucky Macaroni Co.

PRODUCT: 169 cases of spaghetti and 126 cases of macaroni at El Paso, Tex.

LABEL, IN PART: "Del Monico Brand Macaroni [or "Spaghetti"]."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of weevils (43 cases of spaghetti), and weevils, larvae, and insect fragments (126 cases of spaghetti and 126 cases of macaroni).

DISPOSITION: December 28, 1943, and January 12, 1944. No claimant having appeared, the products were condemned and ordered destroyed.

5811. Misbranding of spaghetti dinner. U. S. v. 43 Cases of Spaghetti Dinner. Default decree of condemnation. Product ordered delivered to a Government hospital. (F. D. C. No. 10313. Sample No. 31182-F.)

LIBEL FILED: August 9, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about July 10, 1943, by the Eldridge Food Sales Co., Portland, Oreg.

PRODUCT: 43 cases, each containing 24 cartons, of spaghetti and powdered seasoning material.

LABEL, IN PART: "Golden Grain Real Italian-Style Spaghetti Dinner with Tomato-Cheese Sauce."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container of the product was so filled as to be misleading since the spaghetti and sauce occupied less than 60 percent of the capacity of the carton.

DISPOSITION: January 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Government hospital.

BAKERY PRODUCTS

5812. Adulteration of fruit cake. U. S. v. 66 Cartons of Fruit Cake and 500 2-Pound and 40 4-Pound Fruit Cakes. Default decrees of condemnation. Product ordered destroyed. (F. D. C. Nos. 11509, 11510. Sample Nos. 50231-F, 50232-F, 66202-F.)

LIBELS FILED: December 28 and 29, 1943, District of New Jersey and Northern District of Ohio.

ALLEGED SHIPMENT: From on or about November 12 to 24, 1943, by the Five-Boro Baking Co., Long Island City, N. Y.

PRODUCT: 66 cartons, each containing 1 4-pound fruit cake, and 500 2-pound and 40 4-pound fruit cakes at Jersey City, N. J., and Youngstown, Ohio.

LABEL, IN PART: "Colonial De Lux [or "Old Fashioned"] Fruit Cake Distributed by the Mack-Murray Co., New York, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: March 14 and June 17, 1944. No claimant having appeared, judgments of condemnation were entered and product was ordered destroyed.

5813. Adulteration of cheese chips and graham wafers. U. S. v. 196 Dozen Packages and 72 Boxes of Cheese Chips and 89 Dozen Boxes of Graham Wafers. Default decrees of condemnation and destruction. (F. D. C. Nos. 11183, 11187. Sample Nos. 46683-F, 50214-F, 50215-F.)

LIBELS FILED: November 26, 1943, Eastern District of Michigan; and November 29, 1943, Western District of Pennsylvania.

ALLEGED SHIPMENT: From on or about September 23 to November 2, 1943, by the Laurel Biscuit Co., Dayton, Ohio.

PRODUCT: 196 dozen packages of cheese chips at Detroit, Mich., and 72 boxes of cheese chips and 89 dozen boxes of graham wafers at Pittsburgh, Pa.

LABEL, IN PART: "Laurel Cheese Chips," or "Laurel Graham Wafers."

VIOLATIONS CHARGED: Adulteration. Section 402 (a) (3), the articles consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: January 11 and 27, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

5814. Misbranding of soya wafers. U. S. v. 48 Packages of Soya Wafers. Default decree of condemnation. Product ordered delivered to a charitable organization. (F. D. C. No. 10837. Sample No. 56440-F.)

LIBEL FILED: September 27, 1943, District of New Jersey.

ALLEGED SHIPMENT: On or about August 31, 1943, by J. S. Ivins' Son, Inc., Philadelphia, Pa.

PRODUCT: 48 packages, each containing 6 boxes, of soya wafers, at Newark, N. J.

LABEL, IN PART: "Ivins Soya thin Wafers."

VIOLATION CHARGED: Misbranding, Section 403 (a), the name "Soya thin Wafers" was false and misleading as applied to an article in which the soy flour ingredient was not more than 15 percent of the total wheat flour and soy flour ingredients; and the statements on a side panel, "Soya thin Wafers Soya

Beans * * * Their food value is considered equal to the same amount of eggs or meat. * * * We have combined these roasted Soya Beans into a delicious thin, crisp, tasty wafer," were false and misleading as applied to a product containing only about 10 or 12 percent soy.

DISPOSITION: January 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered for the use of a charitable organization, conditioned that the organization destroy the labels.

5815. Misbranding of pretzel sticks. U. S. v. 294½ Dozen Bags of Pretzel Sticks. Default decree of condemnation. Product ordered delivered to the Veterans Administration. (F. D. C. No. 11105. Sample 54602-F.)

LIBEL FILED: November 17, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 1, 1943, by Halter's Pretzels, Inc., Canton, Ohio.

PRODUCT: 294½ dozen bags of pretzel sticks at Chicago, Ill.

LABEL, IN PART: "Halter's Pretzel Stix Net Wt.—10 oz."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement appearing on the label, "Net Wt.—10 oz.," was false and misleading as applied to an article that was short weight; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Veterans Administration for its use, but not for sale.

CORN MEAL

5816. Adulteration of corn meal. U. S. v. 15 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 11169. Sample No. 48519-F.)

LIBEL FILED: November 25, 1943, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about November 6, 1943, by the Patterson Milling Co., Piketon, Ohio.

PRODUCT: 15 25-pound bags of corn meal at Paintsville, Ky.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs.

DISPOSITION: December 23, 1943. No claimant having appeared, default decree of condemnation and destruction was entered.

5817. Adulteration of cream of maize. U. S. v. 61 Bags of Cream of Maize. Consent decree of condemnation and destruction. (F. D. C. No. 11597. Sample No. 43745-F.)

LIBEL FILED: January 14, 1944, District of Kansas.

ALLEGED SHIPMENT: From on or about June 18 to August 19, 1943, by the Decatur Milling Co., Inc., Decatur, Ill.

PRODUCT: 61 50-pound bags of cream of maize at Kansas City, Kans.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, pupae, and insect fragments.

DISPOSITION: January 20, 1944. The owner of the product having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by feeding the product to hogs.

FLOUR

Nos. 5818 to 5827 report actions involving flour that was insect- or rodent-infested, or both. In addition, the flour reported in Nos. 5818 to 5822 had been stored under insanitary conditions after shipment.

5818. Adulteration of cake flour, whole wheat flour, rye flour, and plain wheat flour. U. S. v. 83 Bags of Flour (and 2 other seizure actions against flour). Decrees of condemnation. Product ordered released under bond for segregation and denaturing of all contaminated bags of flour for use as animal feed. (F. D. C. Nos. 11276 to 11278, incl. Sample Nos. 51550-F, 51551-F, 51748-F, 51749-F.)

LIBELS FILED: December 9, 1943, District of Massachusetts.

ALLEGED SHIPMENT: From on or about January 26 to October 9, 1943, from East Buffalo, N. Y., New Ulm, Minn., Spokane, Wash., and Black Rock, N. Y.

PRODUCT: 173 bags of flour in the possession of the Norman Weisberg Co., Lowell, Mass.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

This product was stored under insanitary conditions after shipment. Some of the bags had been gnawed by rodents, and rat pellets were found on some of the bags. Examination of samples showed contamination with rodent urine and some bags contained larvae, insect fragments, insect excreta, and webbing.

DISPOSITION: January 28, 1944. The cases were consolidated. The Norman Weisberg Co. having appeared as claimant and having admitted the allegations of the libel, the product was condemned and released under bond for segregation and denaturing of all the contaminated bags of flour, for use as animal feed.

5819. Adulteration of flour. U. S. v. 193 Bags of Flour. Default decree of condemnation and destruction. Amended decree ordering the product sold for use as animal feed. (F. D. C. No. 11157. Sample No. 49828-F.)

LIBEL FILED: November 20, 1943, Western District of New York.

ALLEGED SHIPMENT: On or about February 3, 1943, from Leavenworth, Kans.

PRODUCT: 193 24½-pound bags of flour in possession of the C. D. Kenny Co., Buffalo, N. Y.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of rodent excreta and rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

The flour was stored, after shipment, under insanitary conditions. Rodent pellets and urine stains were found on the bags and a portion of the bags had been gnawed by rodents. Examination of samples showed that the product contained rodent excreta and had been contaminated with rodent urine.

DISPOSITION: January 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On February 23, 1944, the decree was amended to provide that the product be sold to the highest bidder and denatured for use as animal feed, under the supervision of the marshal.

5820. Adulteration of enriched flour. U. S. v. 463 Bags of Flour. Default decree of condemnation. Product ordered denatured and sold to the highest bidder for use as hog feed. (F. D. C. No. 11153. Sample No. 23491-F.)

LIBEL FILED: November 19, 1943, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 26, 1943, from Springfield, Ohio.

PRODUCT: 463 bags of flour at Huntingdon, Pa., in possession of the Reeves Parvin Co.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mouse pellets, and evidences of rodent infestation; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

The flour was stored under insanitary conditions after shipment. Many of the bags had been gnawed by rodents, and rodent excreta and urine stains were noted on the bags. Examination of samples showed that the product contained mouse pellets and a large amount of chewed paper.

DISPOSITION: January 14, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered denatured under the supervision of the marshal, and sold to the highest bidder for use as hog feed.

5821. Adulteration of flour. U. S. v. 131 Bags of Flour. Default decree of condemnation. Product ordered delivered to an institution, for use other than human consumption. (F. D. C. No. 11148. Sample No. 56850-F.)

LIBEL FILED: November 20, 1943, District of Connecticut.

ALLEGED SHIPMENT: On or about April 20, 1943, from Bangor, Pa.

PRODUCT: 131 98-pound bags of flour, in possession of the Frisbie Pie Co., Bridgeport, Conn.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, insects, and insect fragments; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

The flour was stored, after shipment, under insanitary conditions. Many of the bags contained holes gnawed by rodents, and rodent excreta and urine stains were found on the bags. Examination of samples showed that the product contained rodent excreta, insects, and insect fragments.

DISPOSITION: January 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use other than human consumption.

5822. Adulteration of flour. U. S. v. 180 Bags of Flour. Default decree of condemnation and destruction. Decree amended to permit delivery of the product to a Federal institution for use as animal feed. (F. D. C. No. 11182. Sample No. 57023-F.)

LIBEL FILED: November 26, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about September 12, 1943, from Atchison, Kans.

PRODUCT: 180 100-pound bags of flour at Mount Vernon, N. Y., in possession of the Krug Baking Co. of New York, Inc.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

This product was stored, after shipment, under insanitary conditions. Rodent pellets and urine stains were noted on the bags. Examination showed that the product was contaminated with rodent urine.

DISPOSITION: December 29, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On January 19, 1944, an amended decree was entered ordering the product delivered to a Federal institution. The flour having been sold by the firm in possession thereof for animal feed, the court, on April 5, 1944, ordered the proceeds of the sale paid over to the United States marshal.

5823. Adulteration of rye flour. U. S. v. 19 Bags and 281 Bags of Rye Flour. Consent decrees of condemnation. Product ordered released under bond to be denatured for use as stock feed. (F. D. C. Nos. 11233, 11256. Sample Nos. 49005-F, 49006-F.)

LIBELS FILED: December 3 and 8, 1943, Southern District of Ohio.

ALLEGED SHIPMENT: On or about April 21 and August 6, 1943, by the Globe Milling Co., Watertown, Wis.

PRODUCT: 300 98-pound bags of rye flour at Cincinnati, Ohio.

LABEL, IN PART: "Pure Dark Rye," or "Medium Dark Rye Blue Ribbon Rye Flour Pure Wisconsin Rye Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following types of filth: Insects, larvae, pupae, cast skins, insect fragments, and rodent hair fragments.

DISPOSITION: January 15, 1944. The Globe Milling Co., claimant, having admitted the facts set forth in the libels, judgments of condemnation were entered. The product was ordered released under bond to be denatured for use as stock feed, under the supervision of the Food and Drug Administration.

5824. Adulteration of flour. U. S. v. 592 Bags of Flour. Decree of condemnation. Product ordered released under bond to be used as animal feed. (F. D. C. No. 11104. Sample No. 34575-F.)

LIBEL FILED: On or about November 15, 1943, Southern District of Florida.

ALLEGED SHIPMENT: On or about June 12 and 19, 1943, by the Morten Milling Co., Dallas, Tex.

PRODUCT: 592 100-pound bags of flour at Jacksonville, Fla.

LABEL, IN PART: "Bleached Flour 5-AT Packed for The Great Atlantic & Pacific Tea Co. New York, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and insect excreta, and was otherwise unfit for food. *

DISPOSITION: December 11, 1943. The Great Atlantic & Pacific Tea Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for use as animal feed.

5825. Adulteration of soy flour. U. S. v. 37 Bags of Fat-T-Soy. Consent decree of condemnation. Product ordered destroyed. (F. D. C. No. 11101. Sample No. 28068-F.)

LIBEL FILED: November 16, 1943, Northern District of Georgia.

ALLEGED SHIPMENT: On or about August 12, 1943, by the Central Soya Co., Inc., Decatur, Ind.

PRODUCT: 37 100-pound bags of soy flour at Atlanta, Ga.

LABEL, IN PART: "100 Lbs. Net Edible Soya Central Soya Fat-T-Soy."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of moth larvae, webby material, and insect excreta.

DISPOSITION: November 22, 1943. The owner having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

5826. Adulteration of flour. U. S. v. 240 Sacks of Flour (and 3 other seizure actions against flour). Decrees of condemnation. Portion of product ordered released under bond to be used for purposes other than human consumption; remainder ordered destroyed. (F. D. C. Nos. 10307, 10418, 10709, 11257. Sample Nos. 33991-F, 33992-F, 40917-F, 49007-F, 52875-F.)

LIBELS FILED: Between July 8 and September 10, 1943, Eastern District of Virginia, Western District of Pennsylvania, Eastern District of Louisiana, and Southern District of Ohio.

ALLEGED SHIPMENT: From on or about June 10 to July 8, 1943, by the Russell-Miller Milling Co. from Buffalo, N. Y., and Alton, Ill.

PRODUCT: 240 bags of flour at Norfolk, Va., 37 bags of flour at Erie, Pa., 500 bags of flour at New Orleans, La., and 19 bags of flour at Cincinnati, Ohio.

LABEL, IN PART: "Producer Flour," or "Special Powerful Blending Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following: Larvae, cast skins, insect fragments, weevils, pupae, beetles, and rodent hair fragments.

DISPOSITION: November 6, 1943. L. Kayser and Jake Battleman, trading as the Baltimore Bakery, Norfolk, Va., claimants for the 240 bags of flour at Norfolk, Va., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be salvaged for purposes other than human consumption, under the supervision of the Food and Drug Administration. It was sold to a foundry to be used in core making. No claimant having appeared for the other lots, judgments of condemnation were entered between October 18, 1943, and February 7, 1944, and the product was ordered destroyed. The lot at Cincinnati was fed to hogs.

5827. Adulteration of flour. U. S. v. 13 Bags of Flour. Default decree of condemnation. Product ordered delivered to a charitable institution for use as animal feed. (F. D. C. No. 10993. Sample No. 21931-F.)

LIBEL FILED: October 23, 1943, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 19, 1943, by the Mahoning Valley Flour Co. from Youngstown, Ohio.

PRODUCT: 13 bags of flour at Ellwood City, Pa.

LABEL, IN PART: "Mother Hubbard Flour Bleached Manufactured By Hubbard Milling Company, Mankato, Minn."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence therein of insects, larvae and insect fragments.

DISPOSITION: December 29, 1943. No claim having been entered, the product was condemned, and the goods were ordered delivered to a charitable institution to be denatured and used for animal feed.

CHOCOLATE, SUGARS, AND RELATED PRODUCTS*

CANDY

5828. Adulteration of candy. U. S. v. 10 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 11286. Sample No. 50225-F.)

LIBEL FILED: December 9, 1943, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 9, 1943, by the Runkle Company, Kenton, Ohio.

PRODUCT: 10 cases, each containing 30 pounds, of candy at Pittsburgh, Pa.

LABEL, IN PART: "Autumn Leaves."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, fragments resembling rodent hairs, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: January 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5829. Adulteration of prepared fruit and candy. U. S. v. 155 Cartons of Prepared Fruit and 6 Boxes of Candy. Default decree of condemnation. Samples ordered delivered to the shipper and the Food and Drug Administration; remainder ordered destroyed. (F. D. C. No. 11569. Sample Nos. 50219-F, 50221-F.)

LIBEL FILED: January 4, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 10, 1943, by E. C. Rich, Inc., New York, N. Y.

PRODUCT: 155 cartons, each containing 1 1-pound tray, of prepared fruit and 6 5-pound boxes of candy at Pittsburgh, Pa.

LABEL, IN PART: (Sticker on carton and tray) "Assorted Fruits * * * Prepared with sugar and corn syrup," (candy box) "Rich's Turkish Delight."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of one or more of the following types of filth: Rodent hair fragments, insect fragments, beetles, and wood splinters; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: January 19, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed, with the exception of samples of the fruit and candy, which were ordered delivered to the shipper and the Food and Drug Administration.

5830. Adulteration of confection pack. U. S. v. 282 Cartons, 366 Cartons, and 176 Cartons of Confections. Consent decree of condemnation. Products ordered released under bond to be disposed of in compliance with the law. (F. D. C. Nos. 10784, 11164. Sample Nos. 29654-F, 29657-F, 29659-F, 29660-F, 29911-F.)

LIBELS FILED: September 18 and November 24, 1943, Northern District of California.

ALLEGED SHIPMENT: On or about August 17, 1943, by the Bettman Nut Co., New York, N. Y.

PRODUCT: 282 cartons of cookies, candies, and peanuts; 366 cartons of nuts and candies; and 176 cartons of cookies, candies, and nuts, at San Francisco, Calif.

LABEL, IN PART: "Bettman Nut Co. New York, N. Y. Manufacturers of Salted and Sugar Toasted Nuts Packers of Food Products," "1½ Pound Net Nuts and Candies No. 524 Round Basket," or "1¼ Lb. Pie-Seroles Nuts, Candies & Cookies."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of moths, beetles, larvae, webbing, and insect excreta.

DISPOSITION: December 14, 1943. Claimant, C. H. Bettman, doing business as Bettman Nut Co., entered a consent decree of condemnation. The product was ordered released under bond to be disposed of in compliance with the law. The portion unfit for human consumption was denatured and sold as poultry feed.

*See also Nos. 5918-5920, 5998, 5999.

5831. Adulteration and misbranding of candy. U. S. v. 10 Cases and 50 Cases of Candy. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. Nos. 10947, 11158. Sample Nos. 41550-F, 38600-F.)

LIBELS FILED: October 18, 1943, Eastern District of Wisconsin; November 22, 1943, Western District of Texas.

ALLEGED SHIPMENT: On or about August 24 and September 25, 1943, by King Cole Candies, Inc., Chicago, Ill.

PRODUCT: 50 cases of candy bars at Milwaukee, Wis., and 10 cases of peanut butter kisses at San Antonio, Tex.

LABEL, IN PART: (Portion at Milwaukee) "Mfd. By King Cole Candies, Inc., Chicago Peanut Bar," (the label of this portion bore a statement of the quantity of the contents and a list of ingredients which, however, were printed in fine blue type on clear cellophane, and were practically illegible). (Portion at San Antonio) "Lady Helen Peanut Butter Kisses."

VIOLATIONS CHARGED: Adulteration (Milwaukee lot), Section 402 (b) (1), a valuable constituent, peanuts, had been in part omitted; Section 402 (b) (2), puffed rice had been substituted in whole or in part for peanuts; Section 402 (b) (3), inferiority had been concealed by the use of puffed rice; and, Section 402 (b) (4), puffed rice had been added to or mixed or packed with the article so as to increase its bulk or weight or make it appear better or of greater value than it was.

Misbranding (Milwaukee lot), Section 403 (a), in that the name, "Peanut Bar," was false and misleading as applied to a product containing puffed rice; and, Section 403 (f), in that the statement of the quantity of the contents and the common or usual name of each ingredient, required by law to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

Misbranding (San Antonio lot), Section 403 (a), in that the statement, "One Pound Net Weight," appearing on the label, was false and misleading as applied to an article that was short-weight; and, Section 403 (e) (2), in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: December 4 and April 5, 1944. No claim having been entered, the product was condemned and ordered delivered to a charitable institution.

5832. Adulteration and misbranding of candy bars. U. S. v. 8 Cases of Candy Bars. Default decree of condemnation. Product ordered delivered to a Government agency for its use and not for sale. (F. D. C. No. 11703. Sample No. 930-F.)

LIBEL FILED: January 29, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about December 24, 1943, by the Melster Candy Co., Cambridge, Wis.

PRODUCT: 8 cases, each containing 100 candy bars, at Chicago, Ill.

LABEL, IN PART: "Melster's Nut Lunch."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, peanuts, had been in whole or in part omitted from the article; Section 402 (b) (2), puffed wheat had been substituted in whole or in part for peanuts; Section 402 (b) (3), inferiority had been concealed by the use of puffed wheat; and, Section 402 (b) (4), puffed wheat had been added to the article or mixed or packed with it so as to increase its bulk, or make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the name of the article, "Nut Lunch," was misleading as applied to a product containing 8 times as much puffed wheat as peanuts; Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since "cereal" is not the common or usual name for puffed wheat; and, Section 403 (k), it contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: March 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Government agency for its use, and not for sale.

5833. Misbranding of candy. U. S. v. 196 Cartons of Candy. Default decree of condemnation. Product ordered delivered to charitable organizations. (F. D. C. No. 11108. Sample No. 35855-F.)

LIBEL FILED: November 12, 1943, Middle District of Georgia.

ALLEGED SHIPMENT: On or about October 28, 1943, by the Higdon Grocery Co., Quincy Fla.

PRODUCT: 196 cartons, each containing 24 bars, of candy at Cairo, Ga.

LABEL, IN PART: "Mac's Candy Bar."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "2 Ounces," appearing on the label, was false and misleading as applied to a product that was short-weight; Section 403 (e) (1), the product was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (e) (2), the label failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: December 16, 1943. No claim having been filed, the product was condemned and ordered delivered to charitable institutions.

5834. Misbranding of candy. U. S. v. 15 Cases of Candy. Default decree of condemnation. Product ordered sold to be brought into compliance with the law. (F. D. C. No. 11239. Sample No. 62401-F.)

LIBEL FILED: December 4, 1943, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 28, 1943, by H. Sagel, Wildwood, N. J.

PRODUCT: 15 cases, each containing 43 boxes, of candy at St. Louis, Mo.

LABEL, IN PART: "Real Sea Shore Salt Water Taffy."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement on the label, "Net 16 Ounces," was false and misleading as applied to an article that was short-weight; and, Section 403 (e) (2), it was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold on condition that it should not be disposed of in violation of the law.

COCOA AND MISCELLANEOUS SACCHARINE PRODUCTS

5835. Adulteration of cocoa beans. U. S. v. 500 Bags of Cocoa Beans. Decree of condemnation. Product ordered released, under bond, to claimant for cleaning. (F. D. C. No. 11107. Sample No. 49822-F.)

LIBEL FILED: November 13, 1943, Western District of New York.

ALLEGED SHIPMENT: On or about February 19, 1943, by the United Fruit Co., Tampa, Fla.

PRODUCT: 500 150-pound bags of cocoa beans, at Buffalo, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, live worms, and excreta, and a decomposed substance, moldy cocoa beans.

DISPOSITION: December 29, 1943. The Merckens Chocolate Co., Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released, under bond, for cleaning under the supervision of the Food and Drug Administration.

5836. Adulteration of cocoa substitute. U. S. v. 12 Cases and 19 Cases of Cocoa Substitute. Default decree of condemnation and destruction. (F. D. C. Nos. 10780, 12056. Sample Nos. 42856-F, 55840-F.)

LIBELS FILED: September 18, 1943, and on or about April 1, 1944, Eastern District of Washington and District of Oregon, respectively.

ALLEGED SHIPMENT: On or about April 23 and August 10, 1943, by the Royale Popcorn Co., Cleveland, Ohio.

PRODUCT: 12 cases at Yakima, Wash., and 19 cases at Astoria, Oreg.

LABEL, IN PART: "Robinson's Delicious Breakfast Cocoa Substitute Packed for Health Food Stores Homes and Restaurants by J. B. Robinson, Cleveland, Ohio."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of insect fragments and rodent hairs.

DISPOSITION: December 1, 1943, and April 27, 1944. No claim having been entered, the product was condemned and ordered destroyed.

5837. Adulteration of cocoa substitute. U. S. v. 20 Cases and 44 Cases of Cocoa Substitute. Default decrees of condemnation and destruction. (F. D. C. Nos. 10910, 11709. Sample Nos. 12566-F, 43195-F.)

LIBELS FILED: October 9, 1943, Eastern District of Washington; and January 26, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about June 11 and July 17, 1943, from Cleveland, Ohio, by J. B. Robinson.

PRODUCT: 20 cases of cocoa substitute at Yakima, Wash., and 44 cases of cocoa substitute at San Francisco, Calif.

LABEL, IN PART: "Robinson's Fine Breakfast Cocoa Substitute."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence (portion at Yakima) of insect and worm fragments and rodent hairs, and (portion at San Francisco) insect fragments and fragments resembling rodent hairs.

DISPOSITION: December 1, 1943, and May 20, 1944. No claimant having appeared, decrees of condemnation were entered and the product was ordered destroyed.

5838. Adulteration and misbranding of "Malacocoa." U. S. v. 7 Bags of Natural Malacocoa. Decree of condemnation. Product ordered sold for use as animal feed. (F. D. C. No. 10792. Sample No. 52919-F.)

LIBEL FILED: September 17, 1943, District of Maryland.

ALLEGED SHIPMENT: On or about August 2, 1943, by Mallet and Co., Pittsburgh, Pa.

PRODUCT: 7 bags, each containing 100 pounds, of Natural Malacocoa at Baltimore, Md.

LABEL, IN PART: (Back of tag) "Natural Malacocoa Directions: Use up to 50% to replace Cocoa for all regular Cocoa uses."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), roasted cottonseed flour had been substituted in whole or in part for cocoa, which the article was represented to be.

Misbranding, Section 403 (a), the statement "Malacocoa" was false and misleading since it implied that the article was or contained cocoa; and, Section 403 (b), it was offered for sale under the name of another food, cocoa, since it was invoiced as "Mallo Cocoa."

DISPOSITION: November 3, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use as animal feed.

5839. Adulteration of honey. U. S. v. 49 Barrels of Honey. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 10863. Sample No. 46124-F.)

LIBEL FILED: October 1, 1943, District of Maryland.

ALLEGED SHIPMENT: On or about September 16, 1943, by M. Golodetz & Co., Norfolk, Va.

PRODUCT: 49 barrels of honey at Baltimore, Md.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments, rodent hair fragments, bee fragments, and bee excreta.

DISPOSITION: October 7, 1943. M. Golodetz & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it should not be disposed of in violation of the law. The unfit portion was segregated and used for non-food purposes.

5840. Adulteration of sugar. U. S. v. 272 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond for remanufacturing or re-refining. (F. D. C. No. 10851. Sample No. 25669-F.)

LIBEL FILED: October 15, 1943, Southern District of Alabama.

ALLEGED SHIPMENT: On or about October 21, 1942, from New Orleans, La.

PRODUCT: 272 bags of sugar at Selma, Ala., in possession of the Selma Manufacturing Co.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances, rodent excreta and rodent hairs; and,

Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

When examined in the storage room, many of the bags were rodent-gnawed and contained rodent excreta and rodent hairs.

DISPOSITION: December 13, 1943. The claimant, H. H. Pike & Co., Inc., admitted the allegations of the libel. A consent decree of condemnation was entered and the product was ordered released under bond for remanufacturing or re-refining under the supervision of the Food and Drug Administration.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that was adulterated in that it consisted in whole or in part of a decomposed substance as evidenced by mold, Nos. 5841 to 5843; it was below the standard for milk fat content, Nos. 5844 to 5855; and it was misbranded in that it was short-weight, Nos. 5855 and 5856.

5841. Adulteration of butter. U. S. v. 29 Cartons of Butter. Default decree of condemnation and destruction. (F. D. C. No. 11484. Sample No. 51756-F.)

LIBEL FILED: December 22, 1943, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 4 and 5, 1943, by L. D. Schreiber & Co., Galewood and Chicago, Ill.

PRODUCT: 29 cartons, each containing 32 1-pound prints, of butter at Boston Mass. It was contaminated with green mold.

LABEL, IN PART: (Wrapper on prints) "Hillside Farm (Unsalted) Creamery Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 31, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by delivery of the butter to a soap company for rendering purposes.

5842. Adulteration of butter. U. S. v. 3 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 10896. Sample No. 53324-F.)

LIBEL FILED: September 15, 1943, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about August 16, 1943, by the Potomac Creamery Co., Inc., Hagerstown, Md.

PRODUCT: 3 32-pound cases of butter at Quantico, Va.

LABEL, IN PART: "Potomac Brand Selected Creamery Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

This product contained mold.

DISPOSITION: January 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was salvaged for industrial use.

5843. Adulteration of butter. U. S. v. 2 Cases and 25 Cases of Butter. Decrees of condemnation. Part of product ordered released under bond to be reworked into a neutral oil; remainder ordered sold to a soap company. (F. D. C. Nos. 11268, 11270. Sample Nos. 28075-F, 35234-F.)

LIBELS FILED: November 24, 1943, Southern District of Florida, and November 20, 1943, Northern District of Georgia.

ALLEGED SHIPMENT: On or about November 5 and 15, 1943, from Nashville, Tenn., by the Cudahy Packing Co.

PRODUCT: 2 cases, each containing 32 pounds, of butter at Tampa, Fla., and 25 cases, each containing 32 pounds, of butter at Atlanta, Ga.

LABEL, IN PART: "Cudahy Sunlight Creamery Butter Country Roll Style," and "Valley Farm Brand Creamery Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed substance by reason of the presence of mold.

DISPOSITION: December 21, 1943. The Cudahy Packing Co. appeared as claimant for the 25 cases in Georgia and, having admitted the allegations of the libel, a consent decree of condemnation was entered. The product was ordered released under bond to be reworked into neutral oil. No claimant having appeared for the 2 cases at Florida, a default decree of condemnation and destruction was entered December 22, 1944. An amended decree was entered January 26, 1944, authorizing the sale of the product to be used for soap making.

5844. Adulteration of butter. U. S. v. Bowman Dairy Co. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 8824. Sample Nos. 10768-F, 10775-F, 10778-F.)

INFORMATION FILED: July 14, 1943, Eastern District of Wisconsin, against, the Bowman Dairy Co., a corporation, Nichols, Wis.

ALLEGED SHIPMENT: On or about April 28 and May 6, 1942, from the State of Wisconsin into the State of Illinois.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 6, 1944. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$100 on each count, a total of \$200.

5845. Adulteration of butter. U. S. v. 10 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 11477. Sample No. 8629-F.)

LIBEL FILED: December 11, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about November 24, 1943, by the Gwinner Cooperative Creamery, Gwinner, N. Dak.

PRODUCT: 10 cartons, each containing approximately 65 pounds, of butter at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 24, 1943. The Gwinner Cooperative Creamery appeared by agent and admitted the allegations of the libel. A consent decree of condemnation was entered and the product was ordered released under bond for reworking, under the supervision of the Food and Drug Administration.

5846. Adulteration of butter. U. S. v. 300 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 11114. Sample Nos. 56337-F, 56682-F.)

LIBEL FILED: October 27, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about October 10, 1943, by the Godsey Creamery, Bristol, Tenn.

PRODUCT: 300 tubs of butter, each containing 63 pounds, at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 22, 1943. Claimant, the Godsey Creamery; consent decree of condemnation. Product ordered released under bond, conditioned that it be reworked and reprocessed, under the supervision of the Food and Drug Administration.

5847. Adulteration of butter. U. S. v. 274 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 11936. Sample Nos. 76016-F, 76144-F.)

LIBEL FILED: On or about February 18, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about February 3, 1944, by the Farmers Cooperative Creamery Co., Greeley, Iowa.

PRODUCT: 274 cartons, each containing approximately 60 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Unsalted Butter William Menzer, Inc. * * * Distributor New York."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 2, 1944. William Menzer, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the

product was ordered released under bond for reworking so that it would comply with the law.

5848. Adulteration of butter. U. S. v. 16 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 11269. Sample Nos. 55920-F, 64802-F.)

LIBEL FILED: November 19, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about November 8, 1943, from Sandpoint, Idaho, by the Farmers Coop. Creamery.

PRODUCT: 16 cubes, each containing 68 pounds, of butter at Seattle, Wash.

LABEL, IN PART: "Farmers Union Co-op Creamery of Sandpoint, Idaho—Consolidated Dairy Products Co."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 30, 1943. The Farmers Union Co-op Creamery of Sandpoint, Idaho, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5849. Adulteration of butter. U. S. v. 18 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 11712. Sample No. 8280-F.)

LIBEL FILED: January 12, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about December 27, 1943, from Dawson, Minn., by the Farmers Cooperative Creamery.

PRODUCT: 18 boxes, each containing approximately 66 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Standard B & E."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: February 1, 1944. The claimant, the Farmers Cooperative Creamery of Dawson, Minn., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking so that it would comply with the law.

5850. Adulteration of butter. U. S. v. 23 Tubs of Butter. Decree of condemnation. Product ordered released, upon deposit of cash collateral, to be reworked. (F. D. C. No. 11713. Sample Nos. 8627-F, 51569-F.)

LIBEL FILED: December 10, 1943, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 20, 1943, by the Edgerton Cooperative Creamery, Edgerton, Minn.

PRODUCT: 23 tubs, each containing 62 pounds, of butter at Somerville, Mass.

LABEL, IN PART: "E Pipestone Produce Co., Somerville, Mass."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 6, 1944. The Pipestone Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released, on the deposit of cash collateral, to be reworked under the supervision of the Food and Drug Administration.

5851. Adulteration of butter. U. S. v. 8 Tubs and 13 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 10769. Sample Nos. 21900-F, 21905-F.)

LIBEL FILED: September 2, 1943, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 14, 1943, by the Dairy Products Marketing Assn., Inc., Sistersville, W. Va.

PRODUCT: 21 63-pound tubs of butter at Pittsburgh, Pa.

LABEL, IN PART: (Tubs) "Valley Creamery Sistersville, W. Va."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 4, 1943. The Bowser Sales and Trading Corp., owner and operator of the above-named creamery, having appeared as claimant and admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

5852. Adulteration of butter. U. S. v. 15 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 11475. Sample No. 8633-F, 57467-F.)

LIBEL FILED: On or about December 15, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about November 25, 1943, by the Equity Union Creamery, Minot, N. Dak.

PRODUCT: 15 cartons, each containing approximately 66 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Creamery Butter Distributed by J. J. Mullins & Co."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 30, 1943. J. J. Mullins & Co., New York, N. Y., appeared as claimant and admitted the allegations of the libel. Judgment of condemnation was entered, and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5853. Adulteration of butter. U. S. v. 117 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 11476. Sample No. 56420-F, 57465-F.)

LIBEL FILED: On or about December 15, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about November 28, 1943, by the Exira Creamery Co., Exira, Iowa.

PRODUCT: 117 cartons of butter, each containing approximately 65 pounds, at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 27, 1943. J. R. Kramer, Inc., New York, N. Y., appeared as claimant and admitted the allegations of the libel. A consent decree of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5854. Adulteration of butter. U. S. v. 25 Cartons of Butter. Decree of condemnation and forfeiture. Product released under bond for reworking. (F. D. C. No. 12204. Sample No. 40005-F, 76530-F.)

LIBEL FILED: March 28, 1944, Southern District of New York.

ALLEGED SHIPMENT: March 13, 1944, by the Red Lake Falls Creamery Co., Red Lake Falls, Minn.

PRODUCT: 25 cartons, each containing approximately 61 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Distributed By Mersel & Co."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 13, 1944. The Red Lake Falls Creamery appeared as claimant and admitted the allegation of the libel. Judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5855. Adulteration and misbranding of butter. U. S. v. Mountain State Creamery Co. Plea of guilty. Fine, \$31. (F. D. C. No. 10586. Sample Nos. 14332-F, 14846-F, 14948-F, 15156-F, 15157-F, 39423-F.)

INFORMATION FILED: On or about November 19, 1943, District of Utah, against the Mountain State Creamery Co., a corporation, Salt Lake City, Utah.

ALLEGED SHIPMENT: From on or about December 28, 1942, to June 5, 1943, from the State of Utah into the State of California.

LABEL, IN PART: "Young's Special Butter * * * Put up for Young's Market Co.," or "One Pound Net Mountain View * * * Distributed by Mountain View Dairies, Inc. Long Beach, Los Angeles, Calif."

VIOLATIONS CHARGED: Adulteration (5 shipments), Section 402 (a) (1), in that a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (a) (2), in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding (2 shipments), Section 403 (a), in that the statement "One Pound Net," borne on the cartons, was false and misleading since each of the cartons did not contain 1 pound net of butter but contained a smaller

amount; and, Section 403 (e) (2), in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents in terms of weight.

DISPOSITION: December 10, 1943. Plea of guilty entered; fine of \$25 on the first count and \$1 on each of the other 5 counts, a total of \$31.

5856. Misbranding of butter. U. S. v. 508 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11267. Sample No. 58518-F.)

LIBEL FILED: November 15, 1943, District of Maryland.

ALLEGED SHIPMENT: On or about November 1, 1943, by the Community Creamery Co., Chicago, Ill.

PRODUCT: 508 boxes, each containing 24 1-pound cartons of ¼-pound prints, of butter at Baltimore, Md.

LABEL, IN PART: "1 Lb. Net Wt. Sunnyfield Creamery Butter. The Great Atlantic & Pacific Tea Company, New York, N. Y., Distributors."

VIOLATION CHARGED: Misbranding, Section 403 (a) (e), the units did not contain "1 Lb. Net" as labeled.

DISPOSITION: November 16, 1943. The Great Atlantic and Pacific Tea Company appeared as claimant, averring that the Community Creamery Co. was the owner of the product, and on its own behalf and on behalf of the owner admitted the allegations of the libel and consented to the entry of a decree. Judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. It was reprinted to the declared weight.

CHEESE

5857. Adulteration of cheese. U. S. v. 3,309 Boxes of Cheddar Cheese. Consent decree of condemnation. Product ordered released under bond for trimming. (F. D. C. No. 10869. Sample Nos. 38648-F, 38650-F, 38654-F, 38655-F, 38658-F, 38659-F, 38661-F.)

LIBEL FILED: October 11, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: From on or about July 7 to August 31, 1942, by Armour & Co., from Marshfield, Wis.

PRODUCT: 3,309 75-pound boxes of Cheddar cheese at Chicago, Ill.

LABEL, IN PART: "Wisconsin State Branch Colored Cheddars," or similar labeling.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites, beetles, and beetle larvae.

DISPOSITION: January 19, 1944. The National Biscuit Co., claimant, having admitted the facts set forth in the libel, judgment or condemnation was entered. The product was ordered released under bond for trimming, under the supervision of the Food and Drug Administration.

5858. Adulteration of cheese. U. S. v. 392 Boxes of Cheddar Cheese. Consent decree of condemnation. Product ordered released under bond, for trimming. (F. D. C. No. 10870. Sample Nos. 38537-F to 38542-F, incl.)

LIBEL FILED: October 7, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 25, 1942, by the Pauly & Pauly Cheese Co., Edgar, Wis.

PRODUCT: 392 78-pound boxes of Cheddar cheese at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites.

DISPOSITION: December 24, 1943. The claimant, the National Biscuit Co., admitted the allegations of the libel. Judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law by trimming, under the supervision of the Food and Drug Administration.

5859. Adulteration of cheese. U. S. v. 1,056 Cheeses (and 6 other seizure actions against cheese). Consent decree of condemnation. Product released under bond for salvaging. (F. D. C. Nos. 12195, 12196, 12244. Sample Nos. 39189-F, 39190-F, 39195-F to 39199-F, incl.)

LABELS FILED: April 17 and May 3, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: From on or about December 7, 1942, to January 26, 1944, from Los Angeles, Calif., New Orleans, La., St. Johns, N. Y., Bravo, Mich., and Cincinnati, Ohio.

PRODUCT: 1,056 cheeses and 771 cases of cheese in possession of the Ehrat Cheese Co., Inc., Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

This product was stored in a mite-infested room and samples examined contained mites.

DISPOSITION: May 25, 1944. Cases consolidated. The Ehrat Cheese Co., Inc., appeared as claimant and admitted allegations of the libels. The product was condemned and ordered released under bond for salvaging under the supervision of the Food and Drug Administration.

5860. Misbranding of grated cheese. U. S. v. 50 Cases of Cheese. Decree of condemnation. Product released under bond to be repackaged. (F. D. C. No. 10704. Sample No. 11526-F.)

LIBEL FILED: September 11, 1943, Northern District of California.

ALLEGED SHIPMENT: On or about July 10, 1943, from New York, N. Y., by Italian Importing.

PRODUCT: 50 cases, each containing 10 dozen cans, of cheese at San Francisco, Calif.

LABEL, IN PART: "Icco Brand Grated Argentine Parmesan Type Cheese * * * Packed by Icco Cheese Co. Inc. Brooklyn."

VIOLATION CHARGED: Misbranding, Section 403 (d), in that the container was so filled as to be misleading, since the cheese occupied only about 50 percent of the capacity of the can.

DISPOSITION: December 9, 1943. Claimant, Icco Cheese Company, Inc. A decree of condemnation was entered and the product was ordered released under bond, conditioned that it be sold in bulk but not for resale, under the supervision of the Food & Drug Administration.

MISCELLANEOUS DAIRY PRODUCTS

5861. Adulteration of dry milk solids. U. S. v. 57 Barrels of Dry Milk Solids. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 11131. Sample No. 41157-F.)

LIBEL FILED: On or about November 30, 1943, Northern District of Texas.

ALLEGED SHIPMENT: On or about July 14, 1943, by the Walgreen Co., Shelbyville, Ill.

PRODUCT: 57 200-pound barrels of dry milk solids at Dallas, Texas.

LABEL, IN PART: "Dry Milk Solids Vacuum Drum Process."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, insects and insect fragments.

DISPOSITION: January 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution for charitable distribution and for use as animal feed, but not for sale or use for human consumption.

5862. Adulteration of oleomargarine. U. S. v. 2,192 Cartons and 57 Cartons of Oleomargarine. Decree of condemnation. Product ordered sold for uses other than human consumption. (F. D. C. No. 11132. Sample Nos. 4145-F, 4148-F.)

LIBEL FILED: November 16, 1943, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 10 and August 3, 1943, by the Shedd Products Co., Detroit, Mich.

PRODUCT: 2,249 1-pound cartons of oleomargarine at Cincinnati, Ohio.

LABEL, IN PART: "One Pound Net Mi Choice Vegetable Oleomargarine," or "One Pound Net New Kayko * * * The All Purpose Vegetable Oleomargarine."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance and was otherwise unfit for food since it was discolored, rancid, and moldy.

DISPOSITION: December 27, 1943. No claimant having appeared, a decree of condemnation was entered. The product was ordered sold to a rendering plant to be denatured so that it could not be used for human consumption.

EGGS AND EGG PRODUCTS

5863. Adulteration of dried whole egg. U. S. v. 2 Barrels of Dried Whole Egg. Default decree of condemnation. Product ordered delivered to a Federal correctional institution. (F. D. C. No. 11488. Sample No. 66196-F.)

LIBEL FILED: December 24, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about June 21 and July 6, 1943, by the Blue Sea Fish Co., Teaneck, N. J.

PRODUCT: 2 barrels of dried whole egg at Bronx, N. Y.

LABEL, IN PART: "Egg Grade A * * * Advance Foods Corp. Centerville, Ind.," or "Spray Whole Egg * * * Marshall Kirby & Co. Inc. Terre Haute, Ind."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, vegetable fibers, pieces of wood, cinders, and dirt.

DISPOSITION: January 26, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On February 8, 1944, an order was entered vacating the order of destruction and directing the delivery of the product to a Federal institution, for use as hog feed.

5864. Adulteration of frozen whole eggs. U. S. v. 45 Cartons of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released for segregation of the fit portion from the unfit portion. (F. D. C. No. 11057. Sample No. 3928-F.)

LIBEL FILED: November 4, 1943, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 11, 1943, by Rothenberg and Schneider Bros., Inc., Chicago, Ill.

PRODUCT: 45 30-pound cartons of frozen whole eggs at Kansas City, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 13, 1943. Rothenberg & Schneider Bros., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit, under the supervision of the Food and Drug Administration. The unfit portion was denatured.

5865. Adulteration of frozen whole eggs. U. S. v. 650 Cans and 550 Cans of Frozen Eggs. Decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of unfit portion. (F. D. C. No. 11214. Sample No. 56918-F.)

LIBEL FILED: December 2, 1943, Eastern District of New York.

ALLEGED SHIPMENT: On various dates from May to October, 1943, by Benjamin Rutstein (also known as I. B. Rutstein), Hoboken, N. J.

PRODUCT: 1,200 30-pound cans of frozen whole eggs at Brooklyn, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 20, 1944. Herman Lerich, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction or denaturing of the unfit portion, under the supervision of the Food and Drug Administration.

5866. Adulteration of frozen whole eggs. U. S. v. 409 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 10669. Sample No. 44684-F.)

LIBEL FILED: September 8, 1943, District of New Jersey.

ALLEGED SHIPMENT: On or about June 24, 1943, by the Ballas Egg Products Corporation, Zanesville, Ohio.

PRODUCT: 409 cans of frozen whole eggs at Jersey City, N. J.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance.

DISPOSITION: October 23, 1943. The Harrison Baking Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction or denaturing of the unfit portion.

5867. Adulteration of frozen whole eggs. U. S. v. 621 Cans of Frozen Whole Eggs. Decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of unfit portion. (F. D. C. No. 11458. Sample No. 57461-F.)

LIBEL FILED: December 18, 1943, Eastern District of New York.

ALLEGED SHIPMENT: From on or about May 5 to August 18, 1943, by the Sam Pollman Produce Co., Kansas City, Mo.

PRODUCT: 621 30-pound cans of frozen whole eggs at Brooklyn, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 20, 1944. Herman Lerich, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction or denaturing of the unfit portion, under the supervision of the Food and Drug Administration.

5868. Adulteration of shell eggs. U. S. v. Glenn C. Roberts. Plea of guilty. Fine, \$300. (F. D. C. No. 10550. Sample No. 3291-F.)

INFORMATION FILED: September 23, 1943, Western District of Missouri, against Glenn C. Roberts, Kansas City, Mo.

ALLEGED SHIPMENT: On or about May 5, 1943, from the State of Missouri into the State of Kansas.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed and putrid substance.

DISPOSITION: December 14, 1943. The defendant having entered a plea of guilty, the court imposed a fine of \$300.

5869. Adulteration of shell eggs. U. S. v. 195 Cases of Shell Eggs. Decree of condemnation. Product ordered released under bond to be disposed of in compliance with the law. (F. D. C. No. 12182. Sample No. 60022-F.)

LIBEL FILED: April 15, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about January 16, 1943, by O. Casperson & Sons, Hutchinson, Kans.

PRODUCT: 195 cases of shell eggs at San Francisco, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 22, 1944. O. Casperson & Sons, claimant. Judgment of condemnation was entered and the product was ordered released under bond to be made to conform with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

5870. Adulteration and misbranding of Eggine. U. S. v. Chas. T. Morrissey (Chas. T. Morrissey & Co.) Plea of guilty. Fine of \$100, and defendant placed on probation for 2 years. (F. D. C. No. 10595. Sample Nos. 3723-F, 14767-F, 32078-F, 32079-F.)

INFORMATION FILED: December 22, 1943, Northern District of Illinois, against Chas. T. Morrissey, trading as Chas. T. Morrissey & Co., Chicago, Ill.

ALLEGED SHIPMENT: From on or about January 19 to April 16, 1943, from the State of Illinois into the States of California and Indiana.

LABEL, IN PART: "Eggine An Artificial Egg Product Derived From Milk Maize and Soda With Certified Food Color Added * * * Use the Same Way as Eggs For Baking and Cooking."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (4), in that artificial color had been added to the product, or mixed or packed therewith, so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), in that statements in the labeling were false and misleading since they represented and suggested that the food, when used instead of eggs, would give the same results in baking and cooking; that 1 teaspoonful of the product would give the same results as 1 egg when used in baking and cooking; that one 25-cent can of the product would take the

place of 3 dozen eggs, and that a 10-cent package would take the place of 1 dozen eggs; and that the food complied with the Pure Food Law (the Federal Food, Drug, and Cosmetic Act), whereas such statements were not true. The product was further misbranded, Section 403 (i) (2), in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: April 25, 1944. A plea of guilty was entered and the defendant was fined \$100 and placed on probation for 2 years.

FEEDS AND GRAINS

5871. Misbranding of cottonseed meal. U. S. v. Temple Cotton Oil Co. Plea of nolo contendere. Fine, \$50. (F. D. C. No. 8838. Sample No. 26285-F.)

INFORMATION FILED: April 23, 1943, Eastern District of Arkansas, against the Temple Cotton Oil Co., a corporation, Little Rock, Ark.

ALLEGED SHIPMENT: On or about July 21, 1942, from the State of Arkansas into the State of Kansas.

LABEL, IN PART: "Quapaw Brand 41% Protein Cottonseed Meal."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements on the label, "41% Protein Cottonseed Meal * * * Guaranteed Analysis Protein 41.00%," were false and misleading since the article contained not more than 39.13 percent of protein.

DISPOSITION: September 27, 1943. A plea of nolo contendere was entered on behalf of the defendant, and a fine of \$50 was imposed.

5872. Misbranding of Dailey's Feeds. U. S. v. Dailey Mills, Inc. Plea of guilty. Fine of \$250 on first count. Imposition of sentence suspended on remaining counts. (F. D. C. No. 10567. Sample Nos. 26496-F, 26500-F, 33121-F, 33122-F.)

INFORMATION FILED: On October 16, 1943, in the Northern District of New York, against the Dailey Mills, Inc., Binghamton, N. Y.

ALLEGED SHIPMENT: On or about February 1 and 12 and March 11, 1943, from the State of New York into the States of Delaware and Maryland.

LABEL, IN PART: "Dailey's Feeds, Starter and Broiler Mash," "'Super' 20% Dairy Ration," "Laying Mash," or "'Super' Growing Mash."

VIOLATION CHARGED: Misbranding, Section 403 (a), in that the statements (Starter and Broiler Mash, Dairy Ration, and Laying Mash), "Guaranteed Analysis Protein 20%," and (Growing Mash) "Guaranteed Analysis Protein 18%," borne on the tags attached to the sacks containing the articles, were false and misleading since the articles contained less protein than declared.

DISPOSITION: December 7, 1943. A plea of guilty was entered. A fine of \$250 was imposed on the first count; imposition of sentence was suspended on the remaining 3 counts.

FISH AND SHELLFISH

5873. Adulteration of frozen buffalo fish. U. S. v. 2,173 Pounds of Buffalo Fish. Default decree of condemnation and destruction. (F. D. C. No. 12183. Sample No. 76411-F.)

LIBEL FILED: April 14, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about February 29 and March 2, 1944, by D. J. Breaux, Krotz Spring, La., and on or about March 2, 1944, by the Sexton Fish Co., Rosedale, La.

PRODUCT: 2,173 pounds of buffalo fish at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product ordered destroyed.

5874. Adulteration of frozen fish. U. S. v. 283 Boxes of Croakers (and 3 other seizure actions against croakers). Tried to the court. Decree of condemnation. Product ordered released under bond for segregation and disposition of unfit portion for purposes other than human consumption. (F. D. C. Nos. 11052, 11073, 11211, 11254. Sample Nos. 34567-F, 34573-F, 34581-F, 34582-F, 34586-F, 34594-F, 34595-F.)

LIBELS FILED: Between November 4 and December 10, 1943, Southern District of Florida.

ALLEGED SHIPMENT: From on or about July 6 to August 14, 1943, from Norfolk, Va., and Portsmouth, Va., by the Ballard Fish & Oyster Co.

PRODUCT: A total of 1,021 boxes and 335 cases, each containing 100 pounds, of croakers at Jacksonville, Fla.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 17, 1944. The Ballard Fish and Oyster Co. having denied the allegation of adulteration in the libels, and the respective libel proceedings having been consolidated, the case came on for trial before the court. Prior to the completion of the trial, the claimant consented to the entry of a decree, and on January 19, 1944, judgment of condemnation was entered and the product was ordered released under bond for segregation and disposition of the unfit portion for purposes other than human consumption.

5875. Adulteration of fresh herring. U. S. v. 125 Pounds and 3 Boxes of Herring. Decree of condemnation and destruction. (F. D. C. Nos. 11511, 11577. Sample Nos. 49151-F, 49159-F.)

LIBEL FILED: On or about December 27, 1943, and January 5, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 18 and December 15, 1943, by the Shapiro Fisheries, Inc., Chicago, Ill.

PRODUCT: 125 pounds and 3 80-pound boxes of herring at Cincinnati, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), a portion of the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish, and the remainder consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: December 31, 1943, and January 5, 1944. Judgments of condemnation and destruction were entered, the court having found that disposal of the product was a matter of immediate concern because of the state of decay and putrefaction.

5876. Adulteration of fresh herring. U. S. v. 13 Boxes and 5 Boxes of Herring. Decrees of destruction. (F. D. C. Nos. 11605, 11662. Sample Nos. 67261-F, 67275-F.)

LIBELS FILED: January 10 and 17, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 31, 1943, and January 8, 1944, by the Hogstad Fish Co., Duluth, Minn.

PRODUCT: 13 60-pound and 5 70-pound boxes of herring at Cincinnati, Ohio.

LABEL, IN PART: "Dr. Blue Fins."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: January 10 and 31, 1944. The consignees having consented to the entry of decrees, judgments were entered ordering the destruction of the product.

5877. Adulteration of canned mackerel. U. S. v. 176 Cases of Mackerel. Consent decree of condemnation. Product ordered released under bond to be segregated and brought into compliance with the law. (F. D. C. Nos. 10825 to 10828, incl. Sample No. 55222-F.)

LIBEL FILED: On or about October 5, 1943, District of Oregon.

ALLEGED SHIPMENT: On or about July 10, 1943, by the Davis Brothers Fisheries Co., Inc., Gloucester, Mass.

PRODUCT: 176 cases of mackerel at Portland, Oreg.

LABEL, IN PART: "Davis Bros * * * Atlantic Ocean Mackerel packed by Davis Bros. Fisheries Co. Inc. Gloucester Mass."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed mackerel.

DISPOSITION: November 1, 1943. M. J. Edwards, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond, to be segregated and brought into compliance with the law, under the supervision of the Food and Drug Administration. The cans containing decomposed mackerel were segregated and destroyed.

5878. Adulteration of frozen mullet fillets. U. S. v. 114 Cartons and 1,019 Cartons of Mullet Fillets. Consent decree of condemnation. Product ordered released under bond for reprocessing or salvaging. (F. D. C. Nos. 10216, 10249. Sample No. 41017-F.)

LIBEL FILED: On or about July 19, 1943, Northern District of Texas. July 10, 1943, Western District of Texas.

ALLEGED SHIPMENT: On or about June 15, 1943, by the Canadian Fish Prod. Ltd., Winnipeg, Canada, for the Walker's Fulton Fish Co., Winnipeg, Canada, from Winnipeg to San Antonio, Tex.

PRODUCT: 114 cartons of frozen mullet fillets at San Antonio, Tex., and 1,019 cartons at Dallas, Tex.

LABEL, IN PART: "Mullet Fillets Products of Canada."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 3, 1944. The Walker's Fulton Fish Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for salvaging under the supervision of the Food & Drug Administration. The lot at Dallas was converted into tankage. On February 19, 1944, the claimant having indicated that it had no intention of claiming the lot at San Antonio, and having failed to file a bond, the decree entered in that case was set aside and the product was condemned and ordered destroyed.

5879. Misbranding of canned salmon. U. S. v. 24 Cases of Canned Salmon. Decree of condemnation. Product ordered released under bond to be repackaged. (F. D. C. No. 9457. Sample No. 11079-F.)

LIBEL FILED: December 6, 1943, Northern District of Texas.

ALLEGED SHIPMENT: On or about February 9, 1943, from San Francisco, Calif. by the Farallone Packing Co.

PRODUCT: 24 cases, each containing 100 cans, of salmon at Dallas, Tex.

LABEL, IN PART: "Cream of the Ocean Tara Bell Sliced Smoked Salmon."

VIOLATION CHARGED: Misbranding, Section 403 (d), the containers were so made, formed, and filled as to be misleading because they were too large for the amount of salmon contained therein, the drained weight of the salmon being 2.72 ounces, whereas the cans could have contained 3.89 ounces. The weight of the total contents of the cans was 3.9 ounces, whereas a reasonable weight, if the cans had been properly packed, would have been 5.5 ounces.

DISPOSITION: January 31, 1944. Claimant, Bell Smoked Fish Co. Judgment of condemnation was entered and the product was ordered released under bond to be repackaged under the supervision of the Food and Drug Administration.

5880. Adulteration and misbranding of canned sardines. U. S. v. 65 Cases of Canned Sardines. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 7448. Sample No. 72619-E.)

LIBEL FILED: May 6, 1942, Southern District of New York.

ALLEGED SHIPMENT: On or about April 8, 1942, by the Calliguria Food Products Corporation, Los Angeles, Calif.

PRODUCT: 65 cases of canned sardines at New York, N. Y.

LABEL, IN PART: "Sardines Quality Extra La Playa Brand. Seaside Fisheries Co. Long Beach, Calif. * * * In Pure Peanut Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (4), mineral oil, a substance having no food value, had been added, mixed, and packed with the product so as to reduce its quality.

Misbranding, Section 403 (a), the statement, "In Pure Peanut Oil," in the labeling, was false and misleading since mineral oil also was present.

DISPOSITION: February 2, 1944. The Calliguria Food Products Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond, conditioned that it be relabeled and sold to an institution or firm which would purchase the lot for its own use and consumption and not for resale.

5881. Adulteration of sole fillets. U. S. v. 163 Boxes of Sole Fillets. Default decree of condemnation. Product disposed of for use as fish food. (F. D. C. No. 11096. Sample No. 39251-F.)

LIBEL FILED: November 9, 1943, Southern District of California.

ALLEGED SHIPMENT: On or about September 2, 1943, by the Paragon Packing Co., Seattle, Wash.

PRODUCT: 163 18-pound boxes of sole fillets at Los Angeles, Calif.

LABEL, IN PART: "Paragon Fresh Fillets * * * C1 REX SOLE."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed substances.

DISPOSITION: December 7, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Fish and Game Commission of the State of California, for use as fish food.

5882. Adulteration of frozen tullibees. U. S. v. 180 Boxes, 7 Boxes, and 15,000 Pounds of Tullibees. Default decrees of condemnation; product ordered sold for use as animal feed. (F. D. C. Nos. 12162, 12185. Sample No. 40120-F.)

LIBELS FILED: April 8 and 12, 1944, Northern District of Iowa.

ALLEGED SHIPMENT: On or about March 23, 1944, by the Stoller Fisheries, Inc., St. Paul, Minn.

PRODUCT: 15,000 pounds of tullibees at Sioux City, Iowa, and 187 boxes of tullibees at Spirit Lake, Iowa.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance in that it contained parasitic worms.

DISPOSITION: May 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold on condition that it be denatured, reprocessed, and disposed of as animal feed.

5883. Misbranding of tuna fish spread. U. S. v. 6 Cases and 14 Jars of Tuna Fish Spread. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 10903. Sample No. 51382-F.)

LIBEL FILED: October 11, 1943, District of New Hampshire.

ALLEGED SHIPMENT: On or about June 1, 1943, from Brooklyn, N. Y., by the Delca Fish Preservators, Inc.

PRODUCT: 6 cases and 14 jars of tuna fish spread at Manchester, N. H.

LABEL, IN PART: "Delca Brand Tuna Fish Spread."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Tuna Fish Spread" was false and misleading as applied to a product of which herring was an ingredient; and, Section 403 (e) (2), the statement "Cont. 8 Ozs." was false and misleading as applied to a product which was short-weight. It was a food in package form and the label failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: December 7, 1943. No claim having been entered; the product was condemned and ordered delivered to a charitable institution.

5884. Adulteration of fresh oysters. U. S. v. 163 Pints of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 11300. Sample No. 50301-F.)

LIBEL FILED: December 10, 1943, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 7, 1943, by Hickman & Sterling, Crisfield, Md.

PRODUCT: 163 pints of oysters at Altoona, Pa.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), water had been substituted in whole or in part for the article; and, Section 402 (b) (4), water had been added thereto or mixed or packed therewith so as to increase its bulk or weight, and reduce its quality.

DISPOSITION: January 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5885. Adulteration of canned oysters. U. S. v. 42 Cases and 15 Cans of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 11456. Sample Nos. 3707-F, 3710-F.)

LIBEL FILED: December 17, 1943, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about March 17, 1943, by the McPhillips Packing Co., Mobile, Ala.

PRODUCT: 42 cases and 15 cans, each full case containing 48 cans, of oysters at Oklahoma City, Okla.

LABEL, IN PART: "McPhillips Brand Oysters."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5886. Adulteration of canned oysters. U. S. v. 79 Cases and 117 Cases of Canned Oysters. Default decrees entered. One lot ordered examined and good portion sold, unfit portion condemned and destroyed; remaining lot condemned and ordered destroyed. (F. D. C. Nos. 10957, 11068. Sample Nos. 36296-F, 42892-F.)

LIBELS FILED: October 20, 1943, District of Colorado; November 5, 1943, Eastern District of Washington.

ALLEGED SHIPMENT: On or about June 24 and May 27, 1943, by the Indian Ridge Canning Co., Houma, La.

PRODUCT: 79 cases of oysters at Denver, Colo., and 117 cases of oysters at Spokane, Wash.

LABEL, IN PART: "Shurfine Oysters. National Retailer-Owned Grocers, Inc., Distributors."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed oysters.

DISPOSITION: No claimant appeared in either action. On December 3, 1943, the product at Denver was ordered examined and the good portion was segregated and sold; the remainder was condemned and destroyed. On January 24, 1944, the product at Spokane was condemned and ordered destroyed.

5887. Adulteration of frozen fresh shrimp. U. S. v. 508 Cases and 595 Cartons of Frozen Fresh Shrimp. Decrees of condemnation; product ordered released under bond for disposition in compliance with the law. (F. D. C. Nos. 10668, 10695. Sample Nos. 29863-F, 29864-F.)

LIBELS FILED: September 3 and 7, 1943, Northern District of California.

ALLEGED SHIPMENT: By the Burgess Canning Co., on or about August 4, 1943, from Jackson, Miss., and on or about August 11, 1943, from New Orleans, La.

PRODUCT: 1,113 cases and cartons, each containing 50 pounds, of frozen shrimp at San Francisco, Calif.

LABEL, IN PART: "Burgess Brand Frozen Fresh Shrimp."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed shrimp.

DISPOSITION: September 27 and November 16, 1943. George E. Burgess, trading as the Burgess Canning Co., New Orleans, La., and the Allied Produce Co., Inc., San Francisco, Calif., appeared as claimants for respective portions. Decrees of condemnation were entered, and the product was ordered released under bond for disposition in compliance with the law. The unfit portion was segregated and destroyed.

5888. Adulteration of frozen fresh shrimp. U. S. v. 635 Cases of Frozen Fresh Shrimp. Portion of product found not adulterated; remainder found adulterated and ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 10822. Sample No. 36450-F.)

LIBEL FILED: September 24, 1943, District of Colorado.

ALLEGED SHIPMENT: By the Burgess Canning Co., on or about August 9, 1943, from New Orleans, La.

PRODUCT: 635 cases, each containing 50 pounds, of frozen shrimp at Denver, Colo.

LABEL, IN PART: "Burgess Brand Frozen Fresh Shrimp."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed shrimp.

DISPOSITION: November 26, 1943. George E. Burgess, trading as the Burgess Canning Co., New Orleans, La., appeared as claimant. The portion of product found not adulterated was ordered delivered to claimant; the remainder found adulterated was ordered released under bond, conditioned that the unfit portion be segregated and destroyed.

5889. Adulteration of frozen shrimp. U. S. v. 71 Cases of Frozen Shrimp. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 10906. Sample No. 47512-F.)

LIBEL FILED: October 6, 1943, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 17, 1943, from Palacios, Tex., by the Colter Corporation.

PRODUCT: 71 cases, each containing 12 cartons, of frozen shrimp at St. Louis, Mo.

LABEL, IN PART: (Carton) "Vein-X Shrimp."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 6, 1944. The claimant, the Colter Corporation, having admitted the allegations of the libel, judgment of condemnation was entered. The product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

5890. Adulteration of frozen shrimp. U. S. v. 320 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 11552. Sample Nos. 44678-F, 65942-F, 65943-F.)

LIBEL FILED: January 3, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about August 3, 1943, by Louis G. Ambos, Thunderbolt, Georgia.

PRODUCT: 320 bags, each containing 10 pounds, of frozen shrimp at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5891. Adulteration of frozen shrimp. U. S. v. 36 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 11311. Sample No. 56692-F.)

LIBEL FILED: December 16, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about July 14, 1943, by Golden, Mandelbaum & Miller, Newark, N. J.

PRODUCT: 36 10-pound bags of frozen shrimp at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5892. Adulteration of frozen shrimp. U. S. v. 36 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 11318. Sample Nos. 56688-F, 56695-F.)

LIBEL FILED: December 16, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about August 28, 1943, by the Ottis Fish Market, Morehead City, N. C.

PRODUCT: 36 10-pound bags of frozen shrimp at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5893. Adulteration of frozen shrimp. U. S. v. 29 Bags and 102 Bags of Frozen Shrimp. Default decrees of condemnation and destruction. (F. D. C. Nos. 11243, 11275. Sample Nos. 56686-F, 56687-F, 56691-F.)

LIBEL FILED: December 8 and December 11, 1943, Southern District of New York.

ALLEGED SHIPMENTS: On or about June 1 and July 31, 1943, by the Sea Food Specialty Co., Valona, Ga.

PRODUCT: 131 bags, each containing 10 pounds, of frozen shrimp at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 23, 1943, and January 5, 1944. No claimant having appeared, default decrees of condemnation and destruction were entered.

5894. Adulteration of frozen shrimp. U. S. v. 3 Boxes of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 11272. Sample No. 56689-F.)

LIBEL FILED: December 11, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about September 4, 1943, by the Louis Crab Factory, Brunswick, Ga.

PRODUCT: 3 boxes, containing approximately 289 pounds, of frozen shrimp at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES*

CANNED FRUIT

5895. Misbranding of canned cherries. U. S. v. 11 Cases and 50 Cases of Canned Cherries. Consent decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 12261, 12341. Sample Nos. 58392-F, 69616-F.)

LIBELS FILED: April 27 and May 12, 1944, District of New Mexico.

ALLEGED SHIPMENT: On or about September 20, 1943, by the Azar Wholesale Grocery Co., Trinidad, Colo.

PRODUCT: 61 cases, each containing 24 cans, of cherries at Raton and Santa Fe, N. Mex.

LABEL, IN PART: (Cans) "Town Talk Red Sour Pitted Cherries in Water * * * Packed By The Delta County Canning Co. Delta, Colo."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), in that the product purported to be and was represented as canned cherries (red sour pitted), a food for which a standard of quality has been prescribed by regulations promulgated pursuant to law, but its quality fell below the standard since more than 1 pit was present in each 20 ounces of the article, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below the standard.

DISPOSITION: May 29, 1944. Delta Canning Co., Delta Colo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

5896. Misbranding of olives. U. S. v. 574 Cases of Green Olives. Decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 11135. Sample No. 29769-F.)

LIBEL FILED: November 23, 1943, Southern District of Texas.

ALLEGED SHIPMENT: On or about October 27, 1943, by the Globe Sales Co., Inc., San Francisco, Calif.

PRODUCT: 574 cases, each containing 48 jars, of olives at Houston, Tex.

LABEL, IN PART: (Jars) "Valley Bloom California Green Olives Contents 7 Oz. Avoir.—Drained Wt. 4¼ oz."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that the statement, "Contents 7 Oz. Avoir.—Drained Wt. 4¼ oz.," appearing in the labeling, was false and misleading as applied to an article that was short-weight; and, Section 403 (e) (2), in that the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 28, 1944. The claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond for relabeling under the supervision of the Food and Drug Administration.

5897. Misbranding of canned pears. U. S. v. 948 Cases and 299 Cases of Canned Pears. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11100. Sample Nos. 4135-F, 4136-F.)

LIBEL FILED: November 12, 1943, Southern District of Ohio.

*See also Nos. 5802, 5804, 5805, 5829.

ALLEGED SHIPMENT: On or about September 30, 1943, by the Mel Williams Co., Sonoma, Calif.

PRODUCT: 1,247 cases, each containing 24 cans, of pears at Cincinnati, Ohio.

LABEL, IN PART: (Cans) "Bungalow Brand Pieces Irregular Sizes in Heavy Syrup Bartlett Pears [or "Dawn O'Day Brand Pieces Irregular Sizes in Heavy Syrup California Bartlett Pears"] * * * Valley Canning Co. Sonoma, California Packers."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "in Heavy Syrup," appearing on the label of the article, was false and misleading as applied to canned pears packed in sirup designated as "light syrup" in the regulations; and, Section 403 (g) (2), the product purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to the definition and standard since its label failed to bear the name of the optional pear ingredient, "Mixed Pieces of Irregular Sizes and Shapes," present in the food.

DISPOSITION: January 4, 1944. The Mel Williams Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered. The product was ordered released under bond to be relabeled in accordance with the law under the supervision of the Food and Drug Administration.

DRIED FRUIT

5898. Adulteration of dates. U. S. v. 196 Flats of Dates. Default decree of condemnation and destruction. (F. D. C. No. 11445. Sample No. 58439-F.)

LIBEL FILED: December 16, 1943, District of Columbia.

ALLEGED SHIPMENT: On or about October 24, 1943, by the Paramount Fruit Export Co., Thermal, Calif.

PRODUCT: 196 15-pound flats of dates at Washington, D. C.

LABEL, IN PART: "Coachella Valley * * * Tasty Dates * * * Heggblade Marguleas Co. San Francisco."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect excreta and moldy and yeasty dates.

DISPOSITION: January 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5899. Adulteration of raisins. U. S. v. 18 Boxes of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 11460. Sample No. 47716-F.)

LIBEL FILED: December 17, 1943, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 26, 1943, by the West Coast Growers & Packers, Dinuba, Calif.

PRODUCT: 18 25-pound boxes of raisins at St. Louis, Mo.

LABEL, IN PART: "Wesco Brand California Choice Thompson Seedless Raisins."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, insect fragments, and insect excreta.

DISPOSITION: January 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5900. Adulteration of raisins. U. S. v. 42 Cartons of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 11461. Sample No. 47714-F.)

LIBEL FILED: December 17, 1943, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 11, 1943, by the Rosenberg Bros. & Co., Fresno, Calif.

PRODUCT: 42 30-pound cartons of raisins at St. Louis, Mo.

LABEL, IN PART: "Iris Brand California Thompson Seedless Raisins."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, insect fragments, and insect excreta.

DISPOSITION: January 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRESH FRUIT

Nos. 5901 to 5909 report actions involving apples that bore a spray residue that contained lead or arsenic, or both, which might have rendered them injurious to health.

5901. Adulteration of apples. U. S. v. 15 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 11037. Sample No. 47103-F.)

LIBEL FILED: October 15, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 17, 1943, by I. J. Pepper, Benton Harbor, Mich.

PRODUCT: 15 bushels of apples at Chicago, Ill.

LABEL, IN PART: "Jonathan F. W. Rodewald R 2 Watervliet, Mich."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the apples contained an added poisonous or deleterious substance, lead, which might have rendered them injurious to health.

DISPOSITION: December 22, 1943. No claimant having appeared, the product was condemned and ordered destroyed.

5902. Adulteration of apples. U. S. v. 625 Boxes of Apples. Decree of condemnation. Product ordered released under bond for cleaning. (F. D. C. No. 11266. Sample No. 3932-F.)

LIBEL FILED: On or about November 10, 1943, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 12, 1943, by J. K. McArthur, Entiat, Wash.

PRODUCT: 625 boxes of apples at Kansas City, Mo.

LABEL, IN PART: "J. K. McA—Delicious Pine Tree Brand Apples Grown And Packed by J. K. McArthur Entiat Washington," and "Delicious Pete's Best Brand Apples Shipped by Pete's Best Packing Co. * * * Dalles, Oregon."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

DISPOSITION: November 30, 1943. J. K. McArthur having appear as claimant, the product was ordered condemned and released under bond to be cleaned or peeled.

5903. Adulteration of apples. U. S. v. 827 Cartons of Apples. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 11716. Sample No. 53919-F.)

LIBEL FILED: December 29, 1943, Southern District of California.

ALLEGED SHIPMENT: On or about December 1, 1943, by Ninth Street Skookum Growers, Inc., Wenatchee, Wash.

PRODUCT: 827 cartons of apples at Los Angeles, Calif.

LABEL, IN PART: "Blue Goose * * * American Fruit Growers Inc * * * Fancy Golden Delicious."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the apples contained added poisonous or deleterious substances, arsenic and lead, which might have rendered them injurious to health.

DISPOSITION: March 17, 1944. The claimant, Ninth Street Skookum Growers, Inc., admitted the allegations of the libel. The product was condemned and ordered released under bond for reconditioning, which was accomplished by washing all apples that contained excessive spray residue.

5904. Adulteration of apples. U. S. v. 30 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 11038. Sample No. 47105-F.)

LIBEL FILED: October 15, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 3 and 5, 1943, by Charles Emmert, Bangor, Mich.

PRODUCT: 30 bushels of apples at Chicago, Ill.

LABEL, IN PART: "U. S. No. 1 J. H. Huberty Breedsville, Mich. Jonathan."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the apples contained an added poisonous or deleterious substance, lead, which might have rendered them injurious to health.

DISPOSITION: December 22, 1943. No claim having been entered; the product was condemned and ordered destroyed.

5905. Adulteration of apples. U. S. v. 29 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 11040. Sample No. 47109-F.)

LIBEL FILED: October 15, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: September 28, 1943, by Piper & Ellis, Bangor, Mich.

PRODUCT: 29 bushels of apples at Chicago, Ill.

LABEL, IN PART: "Michigan Apples Jonathan U. S. Fancy Harry Wakeman, Bangor, Mich."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the apples contained an added poisonous or deleterious substance, lead, which might have rendered them injurious to health.

DISPOSITION: December 22, 1943. No claim having been entered, the product was condemned and ordered destroyed.

5906. Adulteration of apples. U. S. v. 29 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 11116. Sample No. 47147-F.)

LIBEL FILED: October 19, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: October 4, 1943, by Carl Hover, Bangor, Mich.

PRODUCT: 29 bushels of apples at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the apples contained an added poisonous or deleterious substance, lead, which might have rendered them injurious to health.

DISPOSITION: December 22, 1943. No claim having been entered, the product was condemned and ordered destroyed.

5907. Adulteration of apples. U. S. v. 355 Boxes of Apples. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 11119. Sample No. 55244-F.)

LIBEL FILED: On or about October 15, 1943, District of Oregon.

ALLEGED SHIPMENT: September 24, 1943, by the Oneonta Trading Corporation, Wenatchee, Wash.

PRODUCT: 355 boxes of apples at Portland, Oreg.

LABEL, IN PART: "Combination Ex. Fancy & Fancy * * * Jonathan Race * * * Packed by Wenatchee Growers Inc., Wenatchee, Wash.," or "Grown by Wenatchee Wagner Orchards Wenatchee, Wash."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained added poisonous or deleterious substances, lead and arsenic, which might have rendered it injurious to health.

DISPOSITION: October 19, 1943. Wenatchee Growers, Inc., claimant, having entered a consent decree of condemnation, the product was released under bond to be reconditioned under the supervision of the Food and Drug Administration. The product was washed in order to remove the excess spray residue.

5908. Adulteration of apples. U. S. v. 10 Bushels of Apples. Default decree of condemnation. Product ordered delivered to the Food and Drug Administration. (F. D. C. No. 11473. Sample No. 38996-F.)

LIBEL FILED: November 17, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: November 8, 1943, from Lacota, Mich., by S. J. Piraino.

PRODUCT: 10 bushels of apples at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

DISPOSITION: February 7, 1944. No claim having been entered, the product was condemned and ordered delivered to the Food and Drug Administration for experimental purposes.

5909. Adulteration of apples. U. S. v. 23 Crates of Apples. Default decree of condemnation and destruction. (F. D. C. No. 10984. Sample Nos. 46806-F, 47040-F.)

LIBEL FILED: October 7, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: September 28, 1943, by F. Noble, doing business as the Fennville Fruit Exchange, Fennville, Mich.

PRODUCT: 23 crates of apples at Elmhurst, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

DISPOSITION: December 12, 1943. No claim having been entered, the product was condemned and ordered destroyed.

5910. Adulteration of huckleberries. U. S. v. 37 Crates of Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 11295. Sample Nos. 58447-F to 58451-F, incl.)

LIBEL FILED: December 11, 1943, District of Columbia.

PRODUCT: 37 crates, each containing 24 quarts, of huckleberries at the Terminal Refrigerating and Warehousing Corporation, to the account of the Statler Hotel, Washington, D. C.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: January 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FROZEN FRUITS AND FRUIT PRODUCTS

5911. Adulteration and misbranding of frozen blackberries. U. S. v. Millard F. Combs and Z. Vance Combs (M. F. Combs Co.) Pleas of nolo contendere. Fines \$400 and costs. (F. D. C. No. 10571. Sample Nos. 9936-F, 10212-F, 12043-F, 12044-F.)

INFORMATION FILED: November 11, 1943, Western District of Washington, against Millard F. Combs and Z. Vance Combs, trading as partners under the name M. F. Combs Co., at Puyallup and Tacoma, Wash.

ALLEGED SHIPMENT: From on or about November 25, 1942, to February 8, 1943, from the State of Washington into the States of Louisiana and California.

LABEL, IN PART: (Barrels) "Straight Blackberries * * * Washington Brand."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), water had been substituted in part for straight blackberries.

Misbranding, Section 403 (a), the statement "Straight Blackberries," borne on the barrels, was false and misleading since the article did not consist solely of blackberries, but consisted in part of added water.

DISPOSITION: December 18, 1943. Pleas of nolo contendere were entered and each defendant was fined \$200 and costs.

5912. Adulteration of frozen cherries. U. S. v. 123 Cans and 37 Cans of Frozen Cherries. Consent decree of condemnation. Product ordered released under bond for use for fermentation or distillation purposes. (F. D. C. No. 11049. Sample Nos. 29753-F, 29754-F.)

LIBEL FILED: November 3, 1943, Northern District of California.

ALLEGED SHIPMENT: August 30, 1943, by the Loveland Canning Corporation, Denver, Colo.

PRODUCT: A total of 160 cans of frozen cherries at San Francisco, Calif.

LABEL, IN PART: "Montmorency R. S. P. Cherries."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 13, 1944. A default decree of condemnation and destruction was ordered; on June 15, 1944, the default decree was vacated and a consent decree was entered condemning the product but providing for its release, under bond, to the C. Shilling Co., claimant, for fermentation or distillation purposes, under the supervision of the Food and Drug Administration.

5913. Adulteration of frozen fig puree (frozen crushed figs) and frozen sweetened crushed figs. U. S. v. 2,185 Cartons of Frozen Fig Puree (and 5 other seizure actions against frozen figs and fig puree). Decrees of condemnation. Products ordered released under bond for conversion into wine. (F. D. C. Nos. 11608, 11676, 11678, 11684, 11696, 11719. Sample Nos. 28092-F, 28093-F, 28095-F, 28096-F, 36671-F, 50254-F, 50255-F, 58459-F, 58615-F, 58619-F.)

LIBELS FILED: January 8 and 20, 1944, District of Columbia; January 20, 1944, Northern District of Georgia; January 24 and 26, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: From on or about September 29 to November 13, 1943, by the R. D. Pringle Co., Ogden, Utah.

PRODUCT: 2,615 cartons at Washington, D. C.; 2,524 cartons at Atlanta, Ga.; 3,343 cartons at Pittsburgh, Pa.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances.

DISPOSITION: February 2, March 1, and March 11, 1944. R. D. Pringle having appeared as claimant, judgments of condemnation were entered and the products were ordered released under bond for conversion into wine, under the supervision of the Food and Drug Administration.

5914. Adulteration of frozen peaches. U. S. v. 47 Barrels and 1,289 Cartons of Frozen Peaches. Decree of condemnation. Product ordered released under bond to be used in wine making. (F. D. C. No. 10787. Sample No. 23856-F.)

LIBEL FILED: September 17, 1943, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 2, 1943, from Columbus, Ohio, by the Southland Products Co.

PRODUCT: 47 barrels, each containing 350 pounds, and 1,289 cartons, each containing 25 pounds, of frozen peaches at Philadelphia, Pa.

LABEL, IN PART: (Barrels) "Peaches Elbert," (cartons) "Crozet Frozen Fruit Packed By Crozet Cold Storage Corp Crozet Virginia."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten and fermented peaches.

DISPOSITION: October 22, 1943. The Southland Products Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be used in the making of wine or brandy, under the supervision of the Food & Drug Administration.

5915. Adulteration of frozen peaches. U. S. v. 1,659 Cans of Frozen Peaches. Consent decree of condemnation. Product ordered released for salvaging, upon deposit of cash collateral. (F. D. C. No. 11146. Sample No. 46675-F.)

LIBEL FILED: November 19, 1943, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about October 9, 1943, by the George A. Gardella Co., Denver, Colo.

PRODUCT: 1,659 cans of frozen peaches at Detroit, Mich.

LABEL, IN PART: "Halves Colo Elberta Yellow Freestone Peaches * * * Packed By Horn Processing Co. Grand Junction Colorado For Beatrice Creamery Co Denver, Colorado."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Examination showed that the product was in whole or in part fermented.

DISPOSITION: January 20, 1944. The George A. Gardella Co., claimant, having admitted the facts alleged in the libel, judgment of condemnation was entered and the product was ordered released, upon deposit of cash collateral, to be salvaged, and/or relabeled in part as fit for human consumption, and in part as unfit for human consumption, but fit for use for technical purposes, under the supervision of Food and Drug Administration.

MISCELLANEOUS FRUIT PRODUCTS

5916. Adulteration of fig paste. U. S. v. 2 Cases of Fig Paste (and 1 other seizure action against fig paste). Decrees of condemnation. One lot ordered destroyed; remaining lot ordered released for distillation into spirits. (F. D. C. Nos. 11894, 12307. Samples Nos. 65790-F, 71404-F.)

LIBELS FILED: February 26, 1944, Southern District of New York; May 17, 1944, Western District of Washington.

ALLEGED SHIPMENT: From on or about November 6, 1943, to February 15, 1944, by Koligian Bros., Fresno, Calif.

PRODUCT: 2 80-pound cases of fig paste at New York, N. Y., and 1,000 80-pound cases of fig paste at Seattle, Wash.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances. The lot at New York contained insects, larvae, and insect fragments, and the lot at Seattle contained larvae and rodent-type hairs.

DISPOSITION: February 26, 1944. No claimant having appeared for the lot located at New York, judgment of condemnation was entered and the product was ordered destroyed. On May 17, 1944, Koligian Bros. having appeared as claimant for the lot located at Seattle, judgment of condemnation was entered and the product was ordered released under bond for distillation into spirits, under the supervision of the Food and Drug Administration.

5917. Misbranding of fruit cocktail. U. S. v. 74 Cases of Fruit Cocktail. Decree ordering product released under bond to be relabeled. (F. D. C. No. 11029. Sample No. 29742-F.)

LIBEL FILED: November 10, 1943, Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 13, 1943, by the Fruitvale Canning Co., Oakland, Calif.

PRODUCT: 74 cases, each containing 24 cans, of fruit cocktail at Cleveland, Ohio.

LABEL, IN PART: (Cans) "Plee-Zing Fruit Cocktail."

VIOLATIONS CHARGED: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for fruit cocktail prescribed by the regulations, since the peach and pear ingredients of the article were not diced as required by the definition and standard, but consisted of irregular scraps, and the label did not bear the substandard legend; and, Section 403 (a), the vignette showing diced peaches and pears, and the following statement, "Fruit Cocktail Consists of Diced Peaches and Pears," which appeared in the label of the article, were false and misleading.

DISPOSITION: December 3, 1943. The Lipka Co., Cleveland, Ohio, having appeared as claimant, judgment was entered finding the product misbranded and ordering that it be released under bond for relabeling under the supervision of Food and Drug Administration.

5918. Adulteration of candied and glacé fruits. U. S. v. Golden Brand Nut Products, Inc., and Bernard A. Silverman. Pleas of guilty. Corporation fined \$1,500, and individual placed on probation for 1 year. (F. D. C. No. 10581. Sample Nos. 3358-F to 3360-F, incl., 23275-F, 37676-F.)

INFORMATION FILED: December 27, 1943, Southern District of New York, against the Golden Brand Nut Products, Inc., New York, N. Y., and Bernard A. Silverman, president of the corporation.

ALLEGED SHIPMENT: On or about April 5 and May 3, 1943, from the State of New York into the States of Missouri, Pennsylvania, and Michigan.

LABEL, IN PART: "The Finest Grown—Best Known Assorted Fruits," "Orange-Stuffed Dates, w. Nuts," or "Glace Fruit."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of one or more of the following types of filth: Insect parts, rodent hair fragments, a human hair fragment, unidentified hair fragments, hair fragments resembling cat hairs, larvae and adult insects, larvae and insect heads, insect fragments, a rodent excreta pellet, mites, and thrips; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: January 5, 1944. Pleas of guilty were entered. The corporation was fined \$500 on each of 3 counts, totaling \$1,500. The court suspended the imposition of sentence on the individual defendant and placed him on probation for 1 year.

5919. Adulteration of glacé fruit. U. S. v. 3 Pails of Glacé Fruit. Default decree of condemnation and destruction. (F. D. C. No. 11584. Sample No. 8366-F.)

LIBEL FILED: January 5, 1944, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about December 1, 1943, by the Fruit Specialties Co., Chicago, Ill.

PRODUCT: 3 pails, each containing 40 pounds, of glacé fruit at Superior, Wis.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, egg shell fragments, a leaf and a portion of a leaf, citrus seeds, sand, and dirt; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: January 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5920. Misbranding of glacé fruit. U. S. v. 124 Packages of Glacé Fruit. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 11081. Sample Nos. 35465-F to 35468-F, incl.)

LIBEL FILED: November 2, 1943, Northern District of Georgia.

ALLEGED SHIPMENT: On or about September 16, 1943, by De Luxe Dainties, Inc., New York, N. Y.

PRODUCT: 124 packages of glacé fruit at Atlanta, Ga.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Stuffed Glace Fruit," appearing on the label, was false and misleading as applied to a mixture of fruit, the largest proportion of which had been merely dipped in a sirup and not subjected to a process necessary for production of "glacé" fruit, and as applied to a product which was not "stuffed"; and, Section 403 (i) (2), it was fabricated from two or more ingredients and the label failed to bear the common or usual name of each ingredient.

DISPOSITION: January 3, 1944. De Luxe Dainties, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled to conform with the law.

5921. Misbranding of jam. U. S. v. Allan K. Dickinson (Oswego Jelly Co.). Plea of guilty. Fine, \$30 (F. D. C. No. 10591. Sample Nos. 31101-F, 31102-F, 31136-F.)

INFORMATION FILED: January 19, 1944, District of Oregon, against Allan K. Dickinson, trading as the Oswego Jelly Co., Oswego, Oreg.

ALLEGED SHIPMENT: On or about February 18 and April 3, 1943, from the State of Oregon into the State of Washington.

LABEL, IN PART: "Oswego Brand Strawberry Jam [or "Blackcap Seedless Jam," or "Boysenberry Jam"]."

VIOLATIONS CHARGED: Misbranding, Section 403 (g), the product purported to be a food for which a definition and standard of identity has been prescribed by regulations as provided by law, but it did not conform to the definition and standard because it had been made from a mixture containing less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the regulations, and the soluble solids content of the finished jam was less than 68 percent; and, Section 403 (c), it was an imitation of another food and the label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

DISPOSITION: January 19, 1944. The defendant pleaded guilty and was fined \$10 on each of the 3 counts, a total fine of \$30.

VEGETABLES AND VEGETABLE PRODUCTS

5922. Adulteration of green beans. U. S. v. 199 Cases of Canned Green Beans. Default decree of condemnation and destruction. (F. D. C. Nos. 10904, 10905. Sample Nos. 41129-F, 41130-F.)

LIBEL FILED: October 18, 1943, Northern District of Texas.

ALLEGED SHIPMENT: On or about August 13, 1943, by the Clarksville Coop. Canning Assn., Inc., Clarksville, Ark.

PRODUCT: 199 cases of canned green beans at Corsicana, Tex.

LABEL, IN PART: "Big League Brand Cut Green Beans."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, putrid and decomposed vegetable matter, and was unfit for human consumption.

DISPOSITION: December 13, 1943. A default decree of condemnation was entered and the product was ordered destroyed.

5923. Adulteration of canned green beans. U. S. v. 446 Cases of Canned Green Beans. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 11008. Sample No. 47549-F.)

LIBEL FILED: October 25, 1943, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 20, 1943, by the Baron Canning Co., Westville, Okla.

PRODUCT: 446 cases, each containing 6 No. 10 cans, of green beans at St. Louis, Mo.

LABEL, IN PART: "Big League Brand Cut Green Beans * * * Distributed by Cannery Exchange Inc., Springfield, Mo."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 19, 1944. Grover Howard, doing business as the Baron Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, the adulterated portion to be segregated and destroyed under the supervision of the Food and Drug Administration.

5924. Adulteration of canned green beans. U. S. v. 370 Cases and 100 Cases of Canned Green Beans. Default decrees of condemnation and destruction. (F. D. C. Nos. 11031, 11778. Sample Nos. 40636-F, 47664-F.)

LIBELS FILED: November 1, 1943, Southern District of Iowa; February 9, 1944, Northern District of Iowa.

ALLEGED SHIPMENT: On or about July 29, August 6, and September 8, 1943, by the Deck Brothers Produce Co., Springfield, Mo.

PRODUCT: 370 cases of green beans at Marshalltown, Iowa, and 100 cases at Mason City, Iowa.

LABEL, IN PART: "Big League Brand Cut Green Beans * * * Distributed by Cannery Exchange, Inc. Springfield, Mo.," or "Mayflower Cut Green Beans * * * Distributed by Marshall Canning Co. Marshalltown, Iowa."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

This product was undergoing progressive bacterial decomposition.

DISPOSITION: December 7, 1943, and March 10, 1944. No claim having been entered, the product was condemned and ordered destroyed.

Nos. 5925 to 5931 represent actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but its quality fell below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and its label failed to bear, in the manner and form that the regulations specify, a statement that it fell below the standard.

5925. Misbranding of canned peas. U. S. v. 41 Cases and 22 Cases of Canned Peas. Default decrees of condemnation. Product ordered delivered to charitable institutions. (F. D. C. Nos. 10839, 10995. Sample Nos. 46364-F, 53180-F.)

LIBELS FILED: September 27 and October 25, 1943, Eastern District of Virginia.

ALLEGED SHIPMENT: August 10, 1943, by Gibbs & Co., Inc., Baltimore, Md.

PRODUCT: 63 cases of canned peas at Richmond, Va.

LABEL, IN PART: "Gibbs Sifted Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard.

DISPOSITION: December 3 and 4, 1943. No claimant having appeared, decrees of condemnation were entered and the product was ordered delivered to charitable institutions.

5926. Misbranding of peas. U. S. v. 19 Cases of Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 11003. Sample No. 23875-F.)

LIBEL FILED: October 25, 1943, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 1, 1943, by the Melrose Canning Co., Melrose, Md.

PRODUCT: 19 cases of canned peas at Philadelphia, Pa.

LABEL, IN PART: "Evelyn run of pod Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard.

DISPOSITION: December 6, 1943. No claim having been entered, the product was condemned and ordered delivered to a charitable institution.

5927. Misbranding of canned peas. U. S. v. 559 Cases of Peas. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11004. Sample No. 53431-F.)

LIBEL FILED: October 27, 1943, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about July 14, 1943, by the St. Mary's Packing Co., Sidney, Ohio.

PRODUCT: 559 cases, each containing 24 cans, of peas at Charleston, W. Va.

LABEL, IN PART: "Mello-Glo * * * Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), in addition to the high alcohol-insoluble solids content, these peas were below standard because of the high percentage of ruptured peas in the containers.

DISPOSITION: January 11, 1944. The St. Mary's Packing Co. appeared as claimant and admitted the allegations of the libel. Judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

5928. Misbranding of canned peas. U. S. v. 249 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 11014. Sample No. 56663-F.)

LIBEL FILED: October 28, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about August 19, 1943, by the Hanover Canning Co., Hanover, Pa.

PRODUCT: 249 cases of peas at New York, N. Y.

LABEL, IN PART: "Dawn Glo Brand Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard.

DISPOSITION: December 15, 1943. Peter Reeves Markets, Inc., claimant, having entered a consent decree of condemnation, the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5929. Misbranding of canned peas. U. S. v. 257 Cases, 408 Cases, and 139 Cases of Peas. Consent decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 10941, 10942, 11099. Sample Nos. 46382-F, 46383-F, 58503-F.)

LIBELS FILED: On or about October 16 and November 17, 1943, Western District of Virginia.

ALLEGED SHIPMENT: From on or about August 19 to 21, 1943, by the Frederick City Packing Co., Thurmont, Md.

PRODUCT: 665 cases at Roanoke, Va., and 139 cases at Radford, Va.

LABEL, IN PART: "Pride of the Valley Brand Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard.

DISPOSITION: December 24, 1943. Claimant, Frederick City Packing Co. Consent decrees of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5930. Misbranding of canned peas. U. S. v. 249 Cases, 225 Cases, 10 Cases, and 51 Cases of Canned Peas. Decrees of condemnation. Portion of product ordered released under bond for relabeling; remainder ordered delivered to local hospitals. (F. D. C. Nos. 10945, 11177, 11730. Sample Nos. 46393-F, 53185-F, 59021-F.)

LIBELS FILED: On or about October 20 and 21, 1943, Western District of Virginia; December 1, 1943, Northern District of West Virginia; and January 31, 1944, Southern District of West Virginia.

ALLEGED SHIPMENT: From on or about July 19 to September 24, 1943, by the H. J. McGrath Co., Baltimore, Md.

PRODUCT: 249 cases at Lexington, Va., 225 cases at Staunton, Va., 10 cases at Martinsburg, W. Va., and 51 cases at Williamson, W. Va., each case containing 24 cans of peas.

LABEL, IN PART: "Sword Early June Peas * * * Nationally Distributed By Household Products Co.," or "McGrath's Sifted Early June Peas * * * McGrath's Champion Brand."

VIOLATIONS CHARGED: Misbranding (all lots), Section 403 (h) (1), the product was below standard. The lots at Lexington and Staunton, Va., and Martinsburg, W. Va., were misbranded further, Section 403 (a), in that the statement, "Sword foods are full flavored and fresh, conforming to the United States Government regulations for standard grade merchandise," borne on the label,

was false and misleading as applied to canned peas which were substandard in quality, and further in that the design on the label consisting of a dish of succulent peas and pods and leaves of peas, all in the succulent stage, was false and misleading as applied to peas not in the succulent stage of maturity.

DISPOSITION: December 20, 1943. The Huger Davidson Sale Co., Inc., Lexington, Va., having appeared as claimant for the Lexington and Staunton lots, judgments of condemnation were entered and they were ordered released under bond for relabeling. On January 3 and February 16, 1944, no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered delivered to local hospitals.

5931. Misbranding of canned peas. U. S. v. 1,054 Cases, 960 Cases, and 80 Cases of Canned Peas. Decrees of condemnation. Portion of product ordered sold; remainder ordered released under bond to be relabeled. (F. D. C. Nos. 10856, 12198. Sample Nos. 13986-F, 13987-F, 69102-F.)

LIBEL FILED: On or about September 29, 1943, Southern District of California; and April 17, 1944, District of Colorado.

ALLEGED SHIPMENT: From on or about August 1 to November 2, 1943, by the Box Elder Packing Corporation, Brigham City, Utah.

PRODUCT: 2,014 cases of peas at Los Angeles, Calif., and 80 cases at Denver, Colo.

LABEL, IN PART: (2,014 cases) "Gardenside Sweet Peas * * * Distributed By Table Products Company, Oakland, California." The remainder was unlabeled.

VIOLATIONS CHARGED: Misbranded (all lots), Section 403 (h), (1), this product was below standard. The lot at Denver was further misbranded, Section 402 (e) (1), in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and Section 402 (e) (2), an accurate statement of the quantity of the contents.

DISPOSITION: November 1, 1944. Safeway Stores, Inc., Los Angeles, Calif., claimant, having admitted the allegations of the libel filed with respect to the 2,014 cases at Los Angeles, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled. On May 26, 1944, no claimant having appeared for the lot at Denver, judgment of condemnation was entered and the product was ordered sold.

5932. Adulteration of chick peas. U. S. v. 60 Bags of Chick Peas. Default decree of condemnation and destruction. (F. D. C. No. 10224. Sample No. 42170-F.)

LIBEL FILED: July 12, 1943, Northern District of Ohio.

ALLEGED SHIPMENT: On or about September 16, 1942, from Chula Vista, Calif.

PRODUCT: 60 100-pound bags of chick peas at Cleveland, Ohio, in possession of the National Terminals Corporation.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, rodent excreta and urine; and, Section 402 (a) (4), it had been held, after shipment, under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: December 8, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5933. Adulteration of split peas. U. S. v. 48 Bags, 35 Bags, 25 Bags, and 10 Bags of Split Peas. Decree of condemnation. Portion of product (48 bags) ordered released under bond, or upon deposit of cash collateral, to be fumigated and reconditioned. Remainder of product ordered delivered to a Federal penitentiary for national defense and salvage purposes. (F. D. C. No. 10666. Sample Nos. 56041-F, 56042-F, 56044-F, 56048-F.)

LIBEL FILED: On or about September 10, 1943, Southern District of New York.

ALLEGED SHIPMENT: From on or about December 23, 1942, to February 2, 1943, by the Mark Means Co., Lewiston, Idaho.

PRODUCT: 118 bags of split peas at New York, N. Y.

LABEL, IN PART: "Lewis Clark Brand Idaho Green Split Peas," and "Lewis Clark Brand Idaho Yellow Split Peas."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following: Larvae, pupae, webbing, moths, and cast skins.

DISPOSITION: December 29, 1943. Jack Levy, doing business as the Gordon Products Co., New York, N. Y., having appeared as claimant for the lot of 48

bags, and having admitted the allegations of the libel relating to that lot, and no claimant having appeared for the other lots, judgment of condemnation was entered with respect to all lots. The lot of 48 bags was ordered released under bond, or upon deposit of cash collateral, to be fumigated and reconditioned under the supervision of the Food and Drug Administration. The remaining lots were ordered delivered to a Federal penitentiary for national defense and salvage purposes, conditioned that the product be denatured.

5934. Adulteration of pickles. U. S. v. 14 Cases of Pickles. Default decree of condemnation and destruction. (F. D. C. No. 11156. Sample Nos. 50440-F, 50454-F.)

LIBEL FILED: November 22, 1943, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 15, 1943, by Bloch & Guggenheimer, Inc., New York, N. Y.

PRODUCT: 14 cases, each containing 12 jars, of pickles at Philadelphia, Pa.

LABEL, IN PART: "B an' G Fancy Dwarf Brand Fresh Cucumber Pickles."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments.

DISPOSITION: December 17, 1943. No claimant having appeared, decree of condemnation was entered and the product was ordered destroyed.

5935. Misbranding of potatoes. U. S. v. Roy Linzoy. Plea of guilty. Fine, \$250, of which \$200 was suspended. (F. D. C. No. 10632. Sample No. 9083-F.)

INFORMATION FILED: January 17, 1944, Western District of Louisiana, against Roy Linzoy, Simmesport, La.

ALLEGED SHIPMENT: On or about May 18, 1943, the defendant delivered at Simmesport, La., for shipment into the State of Texas, a number of sacks of potatoes.

LABEL, IN PART: "Lone Star Bliss Triumphs 100 Lbs. Net," or "100 Lbs. [or "100 Lbs. Net"] Louisiana Pride Triumphs Potatoes."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "100 Lbs," borne on a number of sacks, and the statement "100 Lbs. Net," borne on the remainder of the sacks, were false and misleading in that the sacks did not each contain 100 pounds of potatoes, but contained a smaller amount; Section 403 (e) (2), the product was in package form and its label failed to bear an accurate statement of the quantity of the contents; and, Section 403 (e) (1), the label failed to bear the name and place of business of the packer or distributor.

DISPOSITION: January 24, 1944. The defendant having entered a plea of guilty, the court imposed a fine of \$250, of which \$200 was suspended.

5936. Misbranding of potatoes. U. S. v. 200 Bags of Potatoes. Consent decree ordering that the product be released under bond to be resacked. (F. D. C. No. 11312. Sample No. 43190-F.)

LIBEL FILED: December 15, 1943, Northern District of California.

ALLEGED SHIPMENT: On or about November 30, 1943, by Troy V. Cook, from Dairy, Oreg.

PRODUCT: 200 bags of potatoes at Sacramento, Calif.

LABEL, IN PART: "U. S. No. 2 Quality Klamath Potatoes Packed by Troy V. Cook Klamath Falls, Oreg. 100 Lbs. Net."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement on the label, "100 Lbs. Net," was false and misleading as applied to an article that was short-weight; and, Section 403 (e) (2), the article was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 27, 1944. The Stop-N-Shop Markets, Sacramento, Calif., having appeared as claimant and having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be resacked under the supervision of the Food and Drug Administration.

5937. Misbranding of potatoes. U. S. v. 198 Bags of Potatoes. Consent decree of condemnation. Product ordered released under bond for salvaging. (F. D. C. No. 11106. Sample No. 63015-F.)

LIBEL FILED: November 12, 1943, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 13, 1943, by Joe Thompson from Nash, N. Dak.

PRODUCT: 198 bags of potatoes at Springfield, Mo.

LABEL, IN PART: "110 lbs. net Northern Flight Far North Seed and Table Potatoes Walsh County, N. D."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that the statement "100 lbs. net," appearing in the labeling, was false and misleading as applied to an article that was short-weight; and, Section 403 (e) (2), in that the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 24, 1944. Malcolm Haseltine, claimant, doing business as the Haseltine Fruit Co., Springfield, Mo., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for salvaging under the supervision of the Food & Drug Administration. The product was resacked.

5938. Adulteration of sauerkraut. U. S. v. 77 Cases and 110 Jars of Sauerkraut. Default decrees of condemnation and destruction. (F. D. C. Nos. 11303, 11304, 11718. Sample Nos. 14887-F, 39262-F, 53909-F.)

LIBELS FILED: December 10 and 20, 1943, Southern District of California.

ALLEGED SHIPMENT: On or about July 17, 1943, by the Coe Sales Co., Phoenix, Ariz.

PRODUCT: 77 cases, each containing 12 quart jars, and 110 quart jars of sauerkraut at Los Angeles, Calif.

LABEL, IN PART: "Scott Co. Sauer Kraut * * * Packed by Morgan Packing Co. Austin, Ind."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed substances by reason of the presence of moldy and decomposed sauerkraut.

DISPOSITION: January 6 and 18, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5939. Adulteration of sauerkraut. U. S. v. 101 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 11066. Sample No. 42582-F.)

LIBEL FILED: November 9, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about March 4, 1943, by the Goldsmith Pickle Co., Chicago, Ill.

PRODUCT: 101 cases, each containing 12 jars, of sauerkraut at Hoquiam, Wash.

LABEL, IN PART: "Goldsmith Brand Sauerkraut."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold and discolored, musty sauerkraut.

DISPOSITION: January 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5940. Adulteration of canned spinach. U. S. v. 205 Cases of Spinach. Default decree of condemnation. Product ordered sold to the highest bidder, for reclamation by sorting. (F. D. C. No. 10832. Sample No. 6999-F.)

LIBEL FILED: September 24, 1943, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 6, 1943, by the Arkansas Valley Canning Co., Van Buren, Ark.

PRODUCT: 205 cases of spinach at St. Louis, Mo.

LABEL, IN PART: "Haase's Brand Early Garden Spinach A. C. L. Haase Co. Distributors, St. Louis, Mo."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), this product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 2, 1943. A default decree of condemnation was entered and the product was ordered sold to the highest bidder, for reclamation by sorting.

5941. Adulteration of vegetable cocktail. U. S. v. 10 Cases and 7 Cases of Vegetable Cocktail. Default decree of condemnation and destruction. (F. D. C. No. 10795. Sample No. 31091-F.)

LIBEL FILED: September 20, 1943, Eastern District of Washington.

ALLEGED SHIPMENT: On or about July 29, 1941, by the Barron-Gray Packing Co., San Jose, Calif.

PRODUCT: 10 cases, each containing 24 cans, and 7 cases, each containing 12 cans, of vegetable cocktail at Yakima, Wash.

LABEL, IN PART: "Here's Health Brand Vegetable Cocktail Blended juices of Tomatoes, Carrots, Celery, Parsley."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 19, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

5942. Adulteration of canned tomatoes. U. S. v. 402 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released for sorting and repacking of fit portion, and destruction of remainder. (F. D. C. No. 11507. Sample No. 63059-F.)

LIBEL FILED: December 27, 1943, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about March 26 and September 21, 1942, by the Hougland Packing Co., of Franklin, Ind., from Terre Haute, Ind.

PRODUCT: 402 cases, each containing 6 No. 10 cans, of tomatoes, at Mattoon, Ill.

LABEL, IN PART: (Cans) "Farmers Pride Brand Tomatoes Packed for Hulman & Co. Terre Haute, Ind.—Mattoon, Ill.—Evansville, Ind."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article was unfit for food in that a portion of the cans had burst and were leaking, or were swelled preliminary to bursting, and some were rusted.

DISPOSITION: January 6, 1944. Hulman & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released for sorting and repacking of the fit portion and destruction of the remainder, under the supervision of the Food and Drug Administration.

5943. Misbranding of canned tomatoes. U. S. v. 998 Cases and 748 Cases of Tomatoes. Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10848. Sample No. 41103-F, 41104-F.)

LIBEL FILED: October 4, 1943, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 31, 1943, by Lee Akin & Sons, McAllen, Tex.

PRODUCT: 1,746 cases, each containing 24 cans, of tomatoes at New Orleans, La.

LABEL, IN PART: "Iona Tomatoes * * * Standard Quality Grade C The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributors," or "Sunny South Brand Hand Picked Tomatoes Packed By Lee Akin & Sons McAllen Mission Texas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the article was substandard in quality because the strength and redness of color of the tomatoes failed to meet the requirements for color prescribed in the standard; and also because tomato peel per pound of canned tomatoes exceeded the amount permitted for standard quality canned tomatoes, and its label failed to bear the required legend showing that the product fell below the standard.

DISPOSITION: December 1, 1943. Lee Akin & Sons, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling.

5944. Misbranding of tomatoes. U. S. v. 299 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10971. Sample No. 41505-F.)

LIBEL FILED: On or about November 2, 1943, Western District of Louisiana.

ALLEGED SHIPMENT: On or about June 29, 1943, by Tyrrell & Garth, Inc., Los Fresnos, Tex.

PRODUCT: 299 cases of canned tomatoes at Lake Charles, La.

LABEL, IN PART: "Garth Brand Standard Tomatoes."

VIOLATION CHARGED: Misbranding, Section 403(h)(1), the product was substandard in quality because the strength and redness of color of the tomatoes in the containers failed to meet the requirements for color prescribed by the regulations.

DISPOSITION: December 15, 1943, Tyrrell & Garth, Inc., claimant. A decree of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law.

5945. Misbranding of canned tomatoes. U. S. v. 942 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 11028. Sample No. 41146-F.)

LIBEL FILED: October 30, 1943, District of Texas.

ALLEGED SHIPMENT: During July 1943, by the Logansport Canning Co., Inc., Logansport, La.

PRODUCT: 942 cases of canned tomatoes at the L. B. Dean Warehouse, Joaquin, Tex.

LABEL, IN PART: Unlabeled when shipped; label applied at warehouse, Joaquin, Tex.: "De Soto Brand Tomatoes. Packed by Logansport Canning Co., Inc."

VIOLATIONS CHARGED: Misbranding, Section 403(h) (1), the product was substandard because it failed to meet the requirements for color, the peel per pound of canned tomatoes in the container covered an area of more than 1 square inch, the blemishes per pound of canned tomatoes in the container covered an area of more than $\frac{1}{4}$ square inch, and the label failed to bear a statement that the article fell below the standard; Section 403(e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403(e) (2), it failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: December 20, 1943. The claimant, J. G. Black, having admitted the material allegations of the libel, consent decree of condemnation was entered and the product was ordered released under bond for relabeling.

5946. Misbranding of canned tomatoes. U. S. v. 447 Cases and 160 Cases of Canned Tomatoes. Decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 10831, 11103. Sample Nos. 53409-F, 53433-F.)

LIBELS FILED: September 28 and November 12, 1943, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about August 21, 1943, by the H. J. McGrath Co., Baltimore, Md.

PRODUCT: 607 cases of canned tomatoes at Charleston, W. Va.

LABEL, IN PART: "McGrath's Tomatoes McGrath's Champion Brand."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the quality of the product fell below the standard for canned tomatoes prescribed by the regulations, since its drained weight was less than 50 percent of the weight of water required to fill the container, and because the peel per pound of canned tomatoes in the container covered an area of more than 1 square inch, and its label failed to bear a statement, in the manner and form that the regulations specify, that it fell below the standard.

DISPOSITION: The H. J. McGrath Co. appeared as claimant and admitted the allegations of the libels. On October 15 and November 29, 1943, judgment of condemnation was entered and the product was ordered released under bond for relabeling.

5947. Misbranding of canned tomatoes. U. S. v. 556 Cases of Tomatoes. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10970. Sample No. 41504-F.)

LIBEL FILED: On or about October 21, 1943, Western District of Louisiana.

ALLEGED SHIPMENT: On or about June 6, 1943, by the Knapp-Sherrill Co. (successor to the Kessler & Bagnetto Canning Co.), Donna, Tex.

PRODUCT: 556 cases of tomatoes at Lake Charles, La.

LABEL, IN PART: "K and B Brand Tomatoes Packed By Kessler & Bagnetto Canning Co."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), the product was substandard in quality because the strength and redness of the color of the tomatoes failed to meet the requirements for color prescribed in the standard.

DISPOSITION: December 15, 1943. Default decree of condemnation and destruction entered. On January 7, 1944, the Knapp-Sherrill Co. having entered an appearance and filed a motion to set aside the judgment, an amended decree was entered, in part setting aside the decree of December 15, 1943, and allow-

ing the claimant to take the product down under bond to be brought into compliance with the law under the supervision of a representative of the Federal Security Administrator.

5948. Misbranding of canned tomatoes. U. S. v. 1,101 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10855. Sample No. 41105-F.)

LABEL FILED: October 1, 1943, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 17, 1943, by the Texas Food Products Co., Mission, Tex.

PRODUCT: 1,101 cases, each containing 24 cans, of tomatoes at New Orleans, La.

LABEL, IN PART: "Iona Tomatoes * * * Standard Quality Grade C The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributors."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the article was substandard in quality because the strength and redness of color of the tomatoes failed to meet the requirements for color prescribed in the standard, and because the tomato peel per pound of canned tomatoes exceeded the amount permitted for standard quality canned tomatoes, and its label failed to bear a statement that the article was below standard.

DISPOSITION: December 1, 1943. The claimant, Texas Food Products Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling.

5949. Adulteration and misbranding of tomato catsup. U. S. v. 218 Cases of Tomato Catsup (and 5 other seizure actions against tomato catsup). Default decrees of condemnation. Portion ordered delivered to a charitable institution for use as animal feed; remainder ordered destroyed. (F. D. C. Nos. 11070, 11086, 11130, 11150, 11222, 11764. Sample Nos. 8339-F, 40972-F, 41117-F, 43825-F, 48174-F, 62471-F.)

LABELS FILED. Between November 5, 1943, and February 7, 1944, Northern District of Texas, Eastern District of Louisiana, District of Minnesota, Eastern District of Arkansas, Western District of Missouri, Middle District of Tennessee.

ALLEGED SHIPMENT: From on or about September 18, to October 21, 1943, by the Frazier Packing Corporation, Elwood, Ind.

PRODUCT: 218 cases at Kansas City, Mo., 14 cases at New Orleans, La., 120 cases at Little Rock, Ark., 75 cases at Minneapolis, Minn., 70 cases at Nashville, Tenn., and 109 cases at Dallas, Tex.; each containing 24 bottles of tomato catsup.

LABEL, IN PART: (Bottles) "Frazier's Superfine Tomato Catsup," or "Frazier's Tomato Catsup."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), all lots consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (a) (lots at Kansas City and New Orleans), the name "Superfine Tomato Catsup," and the statement on the label, "All Products Bearing This Label Are Guaranteed to Comply with the Pure Food Laws," were false and misleading.

DISPOSITION: Between December 27, 1943, and March 23, 1944. No claimant having appeared, judgments of condemnation were entered. The lot at Dallas was ordered delivered to a charitable institution, to be used for animal feed, and the other lots were ordered destroyed.

5950. Adulteration of tomato catsup. U. S. v. 90 Cases and 141 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. D. C. Nos. 11112, 11128. Sample Nos. 4151-F, 43843-F.)

LABELS FILED: On or about November 15, 1943, Western District of Missouri; and November 15, 1943, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 5, 1943, from Vincennes, Ind., and on or about October 23, 1943, from Seymour, Ind., by the Vincennes Packing Corporation.

PRODUCT: 90 cases of tomato catsup at Kansas City, Mo., and 141 cases at Cincinnati, Ohio.

LABEL, IN PART: "Washington Brand Tomato Catsup," or "Alice of Old Vincennes Tomato Catsup."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 27, 1943, and January 10, 1944. No claim having been entered, the product was condemned and ordered destroyed.

5951. Adulteration of tomato paste. U. S. v. 44 Cases, 23 Cases, and 46 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 11892, 12208, 12232. Sample Nos. 49988-F, 49989-F, 50322-F.)

LIBELS FILED: February 24, and April 17 and 21, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 12 and December 23, 1943, and January 29, 1944, by the Producers-Canners' Cooperative, Inc., North Collins, N. Y.

PRODUCT: 67 cases, each containing 6 No. 10 cans, and 46 cases, each containing 100 cans, of tomato paste at Bradford and McKeesport, Pa.

LABEL, IN PART: (Cans) "Anita Brand Tomato Paste," or "Pro Can Pure Tomato Paste."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed tomato material.

DISPOSITION: April 3, May 15, and July 7, 1944. No claim having been entered, the product was condemned and ordered destroyed.

5952. Adulteration of tomato puree. U. S. v. 100 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 11237. Sample No. 47564-F.)

LIBEL FILED: December 3, 1943, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 4, 1943, by the Jageman Bode Co., Springfield, Ill.

PRODUCT: 100 cases, each containing 6 No. 10 cans, of tomato puree at St. Louis, Missouri.

LABEL, IN PART: "Saugamo Brand Tomato Puree."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 10, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5953. Adulteration of tomato puree. U. S. v. 19 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 11198. Sample No. 4153-F.)

LIBEL FILED: November 27, 1943, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 29 and November 15, 1943, by Bursley & Co., Inc., Richmond, Ind.

PRODUCT: 19 cases, each containing 6 No. 10 cans, of tomato puree at Hamilton, Ohio.

LABEL, IN PART: "Little Elf * * * Tomato Puree."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 10, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5954. Adulteration of tomato puree. U. S. v. 1,003 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 11071. Sample No. 4141-F.)

LIBEL FILED: November 6, 1943, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 14 to 20, 1943, by the Decatur Packing Corporation, Greensburg, Ind.

PRODUCT: 1,003 cases, each containing 48 unlabeled cans, of tomato puree at Cincinnati, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 31, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5955. Adulteration of tomato puree. U. S. v. 997 Cases of Tomato Puree. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of adulterated portion. (F. D. C. No. 11271, Sample No. 4156-F.)

LIBEL FILED: December 8, 1943, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 20 and 21, 1943, by the Shirley Food Co., Pendleton, Ind.

PRODUCT: 997 cases, each containing 6 unlabeled No. 10 cans, of tomato puree at Cincinnati, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: December 22, 1943. The Kroger Grocery & Baking Co. appeared as claimant and admitted the allegations of the libel. Decree of condemnation was entered, and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

5956. Adulteration of tomato puree. U. S. v. 447 Cases and 30 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. D. C. Nos. 11281, 11884. Sample Nos. 4157-F, 67348-F.)

LIBELS FILED: December 8, 1943, Southern District of Ohio; February 22, 1944, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about October 28 and November 3, 1943, by the Butterfield Canning Co., Muncie, Ind.

PRODUCT: 447 cases, each containing 6 No. 10 cans, of tomato puree, at Cincinnati, Ohio, and 30 cases, each containing 24 cans, of tomato puree, at Covington, Ky.

LABEL, IN PART: "Butterfield Brand Tomato Puree," and "Indiano Brand Tomato Puree."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 13 and March 16, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5957. Adulteration and misbranding of tomato puree. U. S. v. 137 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 9497. Sample No. 9589-F.)

LIBEL FILED: March 5, 1943, Western District of Louisiana.

ALLEGED SHIPMENT: On or about February 4, 1943, by the Fink Co., Dallas, Tex.

PRODUCT: 137 cases, each containing 48 cans, of tomato puree at Lake Charles, La.

LABEL, IN PART: "Val-Tex Brand Tomato Puree Color Added * * * Packed By Lee Akin and Sons Mission and McAllen Texas."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of vinegar fly eggs, vinegar fly maggots, larvae, and fly fragments.

Misbranding, Section 403 (g) (1), it purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations promulgated pursuant to law, but it failed to conform to such definition and standard, since it contained artificial color, and the definition and standard does not provide for artificial color as an ingredient of tomato puree.

DISPOSITION: December 15, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MEAT AND MEAT PRODUCTS*

5958. Misbranding of bouillon paste. U. S. v. 8 Cases of Bouillon Paste (and 1 other seizure action against bouillon paste). Default decrees of condemnation and destruction. One portion ordered delivered to a charitable institution. (F. D. C. Nos. 10459, 12264. Sample Nos. 11573-F, 63218-F.)

*See also Nos. 5996. 5997.

LIBELS FILED: August 24, 1943, and April 25, 1944, Northern District of California and Western District of North Carolina.

ALLEGED SHIPMENT: On or about May 5 and August 24, 1943, by the Gastro Food Co., New York, N. Y.

PRODUCT: 8 cases, each containing 144 jars, of bouillon paste at Oakland, Calif.; and 8 $\frac{2}{3}$ dozen 2-ounce jars and 5 $\frac{10}{12}$ dozen 6-ounce jars of bouillon paste at Charlotte, N. C.

LABEL, IN PART: (Jars) "V-BO Deliciously Enriched Bouillon Paste Artificially Flavored * * * Net Weight 2 Oz. Makes 16 Cups [or "Net Weight 6 Oz. Makes 48 Cups"]."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that the statements "Net Weight 2 oz.," or "Net Weight 6 Oz.," were false and misleading as applied to a product that was short-weight; and, Section 403 (e) (2), in that it was in package form and failed to bear a label which contained an accurate statement of the quantity of the contents.

DISPOSITION: November 3, 1943, and June 16, 1944. No claimant having appeared, judgments of condemnation were entered. One portion was ordered destroyed and the remaining portion was ordered delivered to a charitable institution.

5959. Adulteration of chickens. U. S. v. 1 Barrel of Chickens. Default decree of condemnation and destruction. (F. D. C. No. 11299. Sample No. 50228-F.)

LIBEL FILED: December 10, 1943, Western District of New York.

ALLEGED SHIPMENT: On or about November 24, 1943, by Land O'Lakes Creameries, Inc., Thief River Falls, Minn.

PRODUCT: 1 barrel, containing 179 pounds, of chickens at Buffalo, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5960. Adulteration of frozen chicken feet. U. S. v. 15 Boxes, 58 Cartons, and 45 Cartons of Frozen Chicken Feet. Default decrees of condemnation and destruction. (F. D. C. Nos. 11319, 11320, 11563. Sample Nos. 49840-F, 50227-F, 50230-F.)

LIBELS FILED: December 14, 1943, and January 3, 1944, Western District of New York.

ALLEGED SHIPMENT: From on or about February 11 to July 28, 1943, by Blue Star Produce, Inc., Council Bluffs, Iowa.

PRODUCT: 15 boxes and 103 cartons of frozen chicken feet at Buffalo, N. Y. This product was to be used as a component of soup by extraction of the soluble extractives.

LABEL, IN PART: (Portions of article) "Blue Diamond * * * Chicken Feet."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of chicken feet contaminated with chicken fecal matter; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: January 13 and 28, 1944. No claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5961. Adulteration of dressed poultry. U. S. v. 11 Boxes of Dressed Poultry. Decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 11609. Sample No. 46544-F.)

LIBEL FILED: December 10, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: December 3, 1943, by the Beatrice Creamery Co., from Red Oak, Iowa.

PRODUCT: 11 boxes (approximately 426 pounds) of dressed poultry at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (5), the poultry was in whole or in part the product of a diseased animal or of an animal which had died otherwise than by slaughter.

DISPOSITION: December 29, 1943. The Beatrice Creamery Co., claimant, having admitted the facts in the libel, a judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

5962. Adulteration of dressed poultry. U. S. v. 96 Barrels of Dressed Poultry. Default decree of condemnation and destruction. (F. D. C. No. 11442. Sample No. 66009-F.)

LIBEL FILED: December 16, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about November 24, 1943, by the Severson Produce Co., Valley City, N. Dak.

PRODUCT: 96 barrels of dressed poultry at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 5, 1944. No claimant having appeared, judgment of condemnation was entered and product was ordered destroyed.

5963. Adulteration of dressed poultry. U. S. v. 103 Barrels of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 11441. Sample No. 66008-F.)

LIBEL FILED: December 17, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about November 25, 1943, by Carl T. Ridenour, St. Paris, Ohio.

PRODUCT: 103 barrels of poultry at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 5, 1944. No claimant having appeared, judgment of condemnation was entered and product was ordered destroyed.

5964. Adulteration of dressed poultry. U. S. v. 17 Boxes and 1 Barrel of Dressed Poultry. Default decree of condemnation and destruction. (F. D. C. No. 10983. Sample No. 46500-F.)

LIBEL FILED: October 6, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: On September 1, 1943, by the Sunflower Poultry & Egg Co., McPherson, Kans.

PRODUCT: 17 boxes and 1 barrel of dressed poultry at Chicago, Ill.

LABEL, IN PART: "Lady Aster Finer Quality Poultry J. Manaster Company, Chicago, Ill."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 22, 1943. No claimant having appeared, the product was condemned and ordered destroyed.

5965. Adulteration of poultry. U. S. v. 4 Barrels and 2 Barrels of Poultry. Default decree of condemnation and destruction. (F. D. C. Nos. 10845, 11113. Sample Nos. 51239-F, 51245-F.)

LIBELS FILED: September 27 and November 12, 1943, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 15 and October 25, 1943, by Hubbard-Parker-Small, Inc., Bellows Falls, Vt.

PRODUCT: 6 barrels of poultry at Springfield, Mass.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence (2 barrels) of decomposed poultry, and (4 barrels) of decomposed birds and birds that were heavily smeared with feces.

DISPOSITION: December 13, 1943, and January 3, 1944. No claimant having appeared, the product was condemned and ordered destroyed.

5966. Adulteration of turkeys. U. S. v. 12 Boxes of Turkeys. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 11010. Sample No. 44794-F.)

LIBEL FILED: October 27, 1943, District of New Jersey.

ALLEGED SHIPMENT: On or about September 15, 1943, by Swift & Co., from Keokuk, Iowa.

PRODUCT: 12 boxes of turkeys at Jersey City, N. J.

LABEL, IN PART: "U. S. Grade C Medium Turkeys."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of turkeys contaminated with fecal material, turkeys damaged by rodents, and decomposed turkeys.

DISPOSITION: January 20, 1944. Swift & Co. having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

NUTS AND NUT PRODUCTS*

5967. Adulteration of shelled almonds. U. S. v. 28 Boxes of Shelled Almonds. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 11627. Sample No. 62603-F.)

LIBEL FILED: January 11, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 9, 1943, by the Braun Importing Co., Inc., New York, N. Y.

PRODUCT: 28 28-pound boxes of shelled almonds at St. Louis, Mo.

LABEL, IN PART: "Valencia Almonds 28/30 [or "Jordon 27/30"] Shelled Almonds."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect excreta, webbing, and worm-eaten nuts.

DISPOSITION: January 31, 1944. The Mavrakos Candy Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

5968. Adulteration of almonds. U. S. v. 5 Boxes of Almonds. Default decree of condemnation and destruction. (F. D. C. No. 11203. Sample No. 49004-F.)

LIBEL FILED: December 1, 1943, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 19, 1943, by William A. Higgins & Co., Inc., New York, N. Y.

PRODUCT: 5 boxes, each containing 28 pounds, of almonds at Cincinnati, Ohio.

LABEL, IN PART: "Select 19/20 Jordan Almonds Ferdinand Schwarzmalm Malaga Spain."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested, rancid, and decomposed nuts.

DISPOSITION: January 10, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5969. Adulteration of cashew nuts. U. S. v. 732 Cases of Cashew Nuts. Decree of condemnation. Product ordered released under bond to be brought into conformity with the law. (F. D. C. No. 11487. Sample No. 30208-F.)

LIBEL FILED: December 21, 1943, Northern District of California.

ALLEGED SHIPMENT: On or about August 17, 1943.

PRODUCT: 732 cases of cashew nuts at San Francisco, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of webbing, larvae, and worm excreta.

DISPOSITION: December 29, 1943. The Kelling Nut Co., San Francisco, Calif., appeared as claimant, a decree of condemnation was entered, and the product was ordered released under bond to be brought into conformity with the law under the supervision of the Food and Drug Administration. The unfit nuts were sorted out and destroyed.

5970. Adulteration of shredded coconut. U. S. v. 15 Bags and 236 Bags of Shredded Coconut. Decrees of condemnation. Portion of product ordered released under bond for segregation and destruction of the unfit part; remainder ordered denatured and sold to the highest bidder. (F. D. C. Nos. 11529, 11530. Sample Nos. 62548-F, 62549-F.)

LIBELS FILED: December 28, 1943, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 16, 1942, by the General Foods Sales Co., Inc., Jersey City, N. J.

PRODUCT: 251 100-pound bags of shredded coconut at St. Louis, Mo.

*See also Nos. 5830, 5986, 5987.

LABEL, IN PART: "Baker's Gem Coconut Macaroon. Manufactured by Franklin Baker Co. of the Philippines, Manila, P. I."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, pupae, and insect fragments.

DISPOSITION: January 11, 1944. The National Candy Co., St. Louis, Mo., claimant for 236 bags, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. On January 25, 1944, no claimant having appeared for the 15 bags, judgment of condemnation was entered and the product was ordered denatured, under the supervision of the Food and Drug Administration, and sold to the person or corporation offering the highest bid therefor, and adopting such safeguards as should be directed by the Federal Security Agency against the product being used in violation of the law.

5971. Adulteration of shredded and grated cocoanut. U. S. v. 861 Tins and 517 Tins of Shredded Coconut, and 351 Tins and 598 Tins of Grated Coconut. Consent decree of condemnation. Product ordered released under bond for reprocessing. (F. D. C. No. 10191. Sample Nos. 44869-F to 44873-F, incl.)

LIBEL FILED: July 6, 1943, Eastern District of New York.

ALLEGED SHIPMENT: On or about May 21, 1943, by the Hills Bros. Co., Bartow, Fla., from Lakeland, Fla.

PRODUCT: 1,378 tins of shredded and 949 tins of grated coconut at Brooklyn, N. Y. The product was found to be sour.

LABEL, IN PART: (Portion of product) "Monogram Brand * * * Shredded [or "Grated"] * * * Frozen Coconut * * * The Hills Bros. Co. New York, N. Y.," or "Trade Wind Brand * * * Shredded [or "Grated"] * * * Frozen Coconut * * * Trade Wind Foods, Inc. New York, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 10, 1943. The Hills Bros. Co., a New York corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed, under the supervision of the Food and Drug Administration, by heating to 175 degrees Fahrenheit for 60 minutes, or until the moisture content was reduced to 2 percent.

5972. Misbranding of cocoanut. U. S. v. 19 Dozen Packages of Coconut. Default decree of condemnation and destruction. (F. D. C. No. 10939. Sample No. 35624-F.)

LIBEL FILED: October 16, 1943, Middle District of Georgia.

ALLEGED SHIPMENT: On or about September 15, 1943, by Green Brothers, Inc., Miami, Fla.

PRODUCT: 19 dozen packages of coconut at Valdosta, Ga.

LABEL, IN PART: "Sunland Brand Pure Coconut (Prepared) Sugar Added Packed By Florida Sunland Foods, Inc., Miami, Florida."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements "Net Weight 7 Ounces" (package), and "Net Wt. 7 oz. or over" (shipping case), were false and misleading as applied to an article that was short-weight; Section 403 (d), the container was so filled as to be misleading; Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since the presence of salt was not declared.

DISPOSITION: January 4, 1944. No claim having been entered, the product was condemned and ordered destroyed.

5973. Adulteration of shelled filberts. U. S. v. 162 Cartons and 99 Cartons of Shelled Filberts (and 2 other seizure actions against shelled filberts). Decrees of condemnation. Product released under bond for reconditioning by sorting. (F. D. C. No. 12012, 12125, 12282. Sample Nos. 51190-F, 51191-F, 60730-F, 64856-F, 64857-F.)

LIBELS FILED: March 13 and 31, and May 1, 1944, Eastern District of Pennsylvania, Western District of Washington, Northern District of California.

ALLEGED SHIPMENT: From on or about October 13, 1943, to March 14, 1944, by the Oregon Nut Shellers, Hillsboro and Sherwood, Oreg.

PRODUCT: 261 35-pound cartons and 272 35-pound cases of shelled filberts at Philadelphia, Pa., Tacoma, Wash., and Oakland, Calif.

LABEL, IN PART: (Cases) "Rubi Rancho Brand Large [or "Jumbo," or "Medium"] Filberts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 30, April 19, and June 16, 1944. The Oregon Nut Shellers, Hillsboro, Oreg., Younglove Grocery Co., Tacoma, Wash., and Awful Fresh McFarlane, Oakland, Calif., appeared as respective claimants. Judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit nuts were sorted out and destroyed.

5974. Misbranding of mixed nuts. U. S. v. 36 Cases of Mixed Nuts. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 11292. Sample No. 55959-F.)

LIBEL FILED: December 17, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about December 1, 1943, by the Reliable Nut Co., Los Angeles, Calif.

PRODUCT: 36 cases, each containing 24 8-ounce bags, of mixed nuts at Seattle, Wash.

LABEL, IN PART: "Royal Seal Fancy Salted Mixed Nuts Net Wt. 8 oz."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Net Wt. 8 oz." was false and misleading as applied to a product that was short-weight; Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: December 31, 1943. The claimant, the Reliable Nut Co., having admitted the allegations of the libel, a consent decree of condemnation was entered and the product was ordered released under bond to be reconditioned to conform with the law, under the supervision of the Food and Drug Administration. The bags were repacked to the declared weight.

5975. Adulteration of peanuts. U. S. v. 13 Bags of Peanuts. Default decree of condemnation and destruction. (F. D. C. No. 11306. Sample No. 65786-F.)

LIBEL FILED: December 15, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about November 22, 1943, by the New York Nut Shelling Co., Inc., Hoboken, N. J.

PRODUCT: 13 100-pound bags of peanuts at New York, N. Y.

LABEL, IN PART: "Roasted Granulated Peanuts Unsifted."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of rodent hairs and rodent excreta; Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: January 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5976. Adulteration of shelled peanuts. U. S. v. 460 Bags of Shelled Peanuts. Decree of condemnation. Product ordered released under bond to be reconditioned by sorting. (F. D. C. No. 11274. Sample No. 51746-F.)

LIBEL FILED: December 9, 1943, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 23, 1943, by the Columbian Peanut Co., Enfield, N. C.

PRODUCT: 460 bags, each containing 100 pounds, of shelled peanuts at Boston, Mass.

LABEL, IN PART: "No. 2 Virginia Shelled Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of worm-eaten, rancid, and moldy peanuts.

DISPOSITION: January 4, 1944. Charles N. Miller Co., Boston, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned by sorting and picking, under the supervision of the Food and Drug Administration.

5977. Adulteration of peanuts. U. S. v. 200 Bags of Shelled Peanuts (and 1 other seizure action against shelled peanuts). Decrees of condemnation. One lot released for segregation and denaturing of unfit portion; remaining lot ordered released for processing into peanut oil, the pulp to be converted into animal feed. (F. D. C. Nos. 11984, 12403. Sample Nos. 51022-F, 77286-F.)

LIBELS FILED: March 8, 1944, Eastern District of Pennsylvania; May 19, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about February 24 and 25, 1944, by the Farmers Cotton and Peanut Co., Plymouth, N. C.

PRODUCT: 200 110-pound bags of peanuts at Philadelphia, Pa., and 149 100-pound bags of peanuts at West New York, N. J.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances. The lot at Philadelphia contained dirty and rancid peanuts, and the lot at West New York contained dirty and decomposed peanuts, stones, sticks, and hulls.

DISPOSITION: March 10, 1944. The Farmers Cotton and Peanut Co., Inc., having appeared as claimant for the lot at Philadelphia, judgment of condemnation was entered and the product was ordered released under bond for the segregation of the unfit portion, under the supervision of the Food and Drug Administration. July 24, 1944. The same claimant having appeared for the remaining lot, and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for processing into peanut oil, the pulp to be converted into animal feed, under the supervision of the Food and Drug Administration.

5978. Adulteration of peanuts. U. S. v. 49 Unlabeled Bags of Peanuts. Consent decree of condemnation. Product ordered released under bond for segregation. (F. D. C. No. 10933. Sample No. 55440-F.)

LIBEL FILED: October 16, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about May 20, 1943, from Fort Gaines, Ga.

PRODUCT: 49 bags of peanuts in possession of the Old Yankee Syrup Co., Seattle, Wash.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live insects, webbing, excreta, and insect-damaged nuts; and, Section 402 (a) (4), in that it had been stored under insanitary conditions whereby it might have become contaminated with filth.

When examined in the storage room, moths and live pupae were observed on the outside of the bags, and larvae were crawling on a number of the bags. Rodent pellets were on and between the bags and on the floor. Frass from chewed peanuts and rodent pellets was lodged between some of the bags.

DISPOSITION: November 1, 1943. Marco J. Magnano and Angelo C. Magnano, doing business as the Old Yankee Syrup Co., appeared as claimants. Judgment of condemnation was entered and the product was ordered released under bond to be segregated under the supervision of the Food and Drug Administration. The unfit material was sorted out and denatured and the insanitary conditions were corrected.

5979. Adulteration of peanuts. U. S. v. 53 Bags of Shelled Peanuts. Consent decree of condemnation. Product released under bond to be brought into compliance with the law. (F. D. C. No. 12128. Sample No. 66608-F.)

LIBEL FILED: April 4, 1944. Western District of Missouri.

ALLEGED SHIPMENT: On or about February 19 and 20, 1942, from Hugo, Okla.

PRODUCT: 53 bags, containing a total of approximately 6,000 pounds, of peanuts, in the possession of the United States Cold Storage Co., Kansas City, Mo.

This product had been stored under insanitary conditions after shipment. Rodent excreta pellets, rodent urine stains, and rodent-gnawed holes were noted on the bags. The peanuts were contaminated with rodent excreta and rodent hair fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances, since it contained rodent excreta and rodent hair fragments; and, Section 402 (a) (4), it had been stored under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: May 3, 1944. United States Cold Storage Co., appeared as claimant. Judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and disposed of as stock feed.

5980. Adulteration of peanut butter. U. S. v. 70 Cases and 20 Cases of Peanut Butter. Default decree of condemnation. Product ordered destroyed. (F. D. C. No. 10500. Sample No. 16081-F.)

LIBEL FILED: September 1, 1943, District of Idaho.

ALLEGED SHIPMENT: On or about October 30, 1942, by Jaxon Foods, Inc., Jacksonville, Fla.

PRODUCT: 70 cases, each containing 12 1½-pound jars, and 20 cases, each containing 24 1-pound jars, of peanut butter at Pocatello, Idaho.

LABEL, IN PART: "Little Moore Brand Peanut Butter"

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirt or grit.

DISPOSITION: October 22, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered to be delivered to the Idaho Salvage Committee of the War Production Board. Upon refusal of the Committee to accept the product, an amended decree was entered on January 24, 1944, ordering the destruction of the peanut butter.

5981. Adulteration and misbranding of peanut butter. U. S. v. 67 Cases of Peanut Butter (and 3 other seizure actions against peanut butter). Decrees of condemnation. Portions of product ordered released under bond, one lot to be relabeled, one lot to be repackaged, and one lot to be used as animal food. The remaining lot was ordered to be delivered to a charitable institution. (F. D. C. Nos. 11026, 11659, 11888, 12033. Sample Nos. 35738-F, 36666-F, 36667-F, 37390-F, 57240-F.)

LIBELS FILED: October 30, 1943, District of Colorado; January 17, 1944, District of Maryland; February 28, 1944, Western District of South Carolina; March 22, 1944, District of New Jersey.

ALLEGED SHIPMENT: On various dates between March 8 and December 7, 1943, from Haddock, Ga., by the Cherokee Products Co.

PRODUCT: 67 cases of peanut butter at Grand Junction, Colo., 145 cases at Baltimore, Md., 87 cases at Greenville, S. C., and 80 cases at Carlstadt, N. J.

LABEL, IN PART: "Georgia Gold Peanut Butter Net Weight 1 Lb. [or "2 Lbs.," or "12 Ozs."] Peanut Butter," or "O'Sage Brand Contents 12 Oz."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product (Baltimore lot) consisted in whole or in part of a filthy substance by reason of the presence of insect fragments.

Misbranding, Section 403 (a), the product at Grand Junction, Greenville, and Carlstadt, was misbranded in that the statements of the quantity of contents, appearing in the label, were false and misleading as applied to a product which was short-weight; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: December 7 and 22, 1943, and March 24 and June 1, 1944. The Cherokee Products Co., claimant for the lots at Grand Junction, Baltimore, and Carlstadt, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, the 67 cases of peanut butter at Grand Junction, Colo., to be relabeled; the 80 cases at Carlstadt, N. J., to be repackaged or refilled to the declared weight; and the 145 cases at Baltimore, Md., to be used for animal feed. No claimant having appeared for the 87 cases at Greenville, S. C., judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

5982. Adulteration of piñon nuts. U. S. v. 900 Sacks of Piñon Nuts. Decree of condemnation. Product ordered released under bond for cleaning. (F. D. C. Nos. 11862, 11865, 11866. Sample No. 39661-F.)

LIBEL FILED: February 18, 1944, Southern District of California.

ALLEGED SHIPMENT: From on or about October 21 to December 2, 1943, by the Tri-State Brokerage Co., from Albuquerque, N. Mex., and by the Gallup Mercantile Co., and Jack Hill from Gallup, N. Mex.

PRODUCT: 900 sacks, each containing approximately 80 pounds, of piñon nuts.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence in it of rodent and other animal excreta, stones, stems, and pine needles.

DISPOSITION: March 20, 1944. The Los Angeles Nut House, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for cleaning and removal of the extraneous substances, under the supervision of the Food & Drug Administration.

5983. Adulteration of piñon nuts. U. S. v. 200 Bags and 9 Bags of Piñon Nuts. Consent decrees of condemnation. Product released under bond for cleaning. (F. D. C. Nos. 11782, 11878. Sample Nos. 53632-F, 53938-F.)

LIBELS FILED: February 9 and 19, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about November 12 and 26, 1943, by the Gallup Mercantile Co., Gallup, N. Mex.

PRODUCT: 200 bags, each containing approximately 81 pounds, and 9 bags, each containing approximately 75 pounds, of piñon nuts in the shell, at Los Angeles, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence (200 bags) of rodent pellets and pellets resembling rabbit excreta, and (9 bags) of sticks, stones, stems, and animal excreta from other than rats or mice.

DISPOSITION: February 25 and March 20, 1944. Gonzalez and Blanco, and the Mellos Peanut Co., Los Angeles, Calif., claimants, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for cleaning by removal of extraneous material, under supervision of the Food and Drug Administration.

OILS AND FATS

5984. Adulteration and misbranding of olive oil. U. S. v. Dante Pinnere, Louis Cutali, and Vincenzo Cottone (C. P. C. Trading Co.). Pleas of guilty. Dante Pinnere and Louis Cutali fined \$50 on each of the 4 counts; and Vincenzo Cottone fined \$100 on each of the 4 counts. Fine suspended as to all defendants on the last 3 counts. (F. D. C. No. 7744. Sample Nos. 64837-E, 64856-E.)

INFORMATION FILED: December 21, 1942, Western District of New York, against Dante Pinnere, Louis Cutali, and Vincenzo Cottone, trading as the C. P. C. Trading Co., Rochester, N. Y.

ALLEGED SHIPMENT: On or about January 27 and March 2, 1942, from the State of New York into the States of Pennsylvania and Ohio.

LABEL, IN PART: "One Gallon Net * * * La Boheme Brand Pure Olive Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), an oil or oils other than olive oil had been substituted in whole or in part for pure olive oil, which the article was represented to be.

Misbranding, Section 403 (a), the statements, "Pure Olive Oil Imported Product," and "This can contains imported olive oil—guaranteed to be absolutely pure under any chemical analysis," (and similar statements in Italian), and "Pure Imported Olive Oil," and the design of olives on the label, were false and misleading in that they represented and suggested that the article was pure olive oil, whereas it was not pure olive oil; Section 403 (b), it was offered for sale under the name of another food, olive oil; Section 403 (f), the words, statements, or other information required by or under the authority of the Act to appear on the label or labeling were not placed thereon in such terms as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use, in that the can labels bore representations in the Italian language and, by reason of such representations, the article purported to be prepared for the Italian purchaser, and the words, statements, and other information required by the law to appear on the label or labeling should appear thereon in the Italian language in order to be read and understood by the Italian purchaser, whereas they did not so appear; Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each

such ingredient; and, Section 403 (e) (2), one lot was in package form and did not bear a label containing an accurate statement of the quantity of the contents, since the cans were labeled "One Gallon Net" and contained less than 1 gallon.

DISPOSITION: June 14 and 21, 1943. The defendants having entered pleas of guilty, the court imposed a fine of \$50 on each of the 4 counts against Dante Pinnere and Louis Cutali, and a fine of \$100 on each of the 4 counts against Vincenzo Cottone, and suspended the fines on the last 3 counts as to all of the defendants.

5985. Adulteration and misbranding of olive oil. U. S. v. 32 Cans of Olive Oil. Default decree of condemnation. Product sold for war purposes. (F. D. C. No. 12192. Sample No. 50358-F.)

LIBEL FILED: April 18, 1944, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about October 14, 1943, by the Keystone Grocery & Distributing Co. of Pittsburgh, Inc., Pittsburgh, Pa.

PRODUCT: 32 cans of oil at Weirton, W. Va.

LABEL, IN PART: "One Gallon Fortebraccio Brand 80% Cottonseed Oil and Corn Oils 20% Pure Olive Oil."

VIOLATIONS CHARGED: Adulteration, 402 (b) (2), a substance consisting essentially of cottonseed oil and some corn oil, with little or no olive oil, had been substituted for 80 percent cottonseed oil and corn oil and 20 percent pure olive oil, which it was represented to be.

Misbranding, Section 403 (a) (f), the statement, "80% Cottonseed and Corn Oils 20% Pure Olive Oil," was false and misleading. The label contained representations in a foreign language, Italian, and the statement of quantity of contents and list of ingredients, required by the Act to appear on the label, failed to appear thereon in the foreign language.

DISPOSITION: May 1, 1944. No claimant having appeared, judgment of condemnation was entered ordering the product destroyed for food purposes, but providing that it be denatured and sold for technical war purposes.

5986. Adulteration and misbranding of peanut oil. U. S. v. 23 Tins of Peanut Oil. Default decree of condemnation. Product ordered delivered to a government institution. (F. D. C. No. 10779. Sample No. 55504-F.)

LIBEL FILED: September 15, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about July 28, 1943, by D. F. DeBernardi & Co., San Francisco, Calif.

PRODUCT: 23 tins of peanut oil at Ravensdale, Wash.

LABEL, IN PART: "Vegeto Brand Pure Golden PEANUT OIL."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), in that a mixture of peanut oil and cottonseed oil had been substituted in whole or in part for peanut oil, which the article was represented to be.

Misbranding, Section 403 (a), in that the statements on the label, "Pure Golden Peanut Oil," and "Vegeto is the expressed Light Golden Oil of Delicious American Grown Peanuts, Multi Processed to Assure the Utmost Purity Yet especially treated to Preserve Certain Stabilizing Elements in the Natural Expressed Oil that Insure its Long Keeping Qualities and Freshness," were false and misleading as applied to a mixture of peanut oil and cottonseed oil.

DISPOSITION: January 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a government institution.

5987. Misbranding of peanut oil. U. S. v. 200 Cases and 225 Cases of Peanut Oil. Product ordered released for relabeling. (F. D. C. No. 10416. Sample No. 11822-F.)

LIBEL FILED: September 1, 1943, Territory of Hawaii.

ALLEGED SHIPMENT: On or about July 20, 1943, by the Morse Export Import Co., Inc., from San Francisco, Calif.

PRODUCT: 200 cases, each containing 6 1-gallon cans, and 225 cases, each containing 12 ½-gallon cans, of peanut oil, at Honolulu, Hawaii.

LABEL, IN PART: "Net Contents One Gallon Panther Brand Oil of Peanuts for
"Net Contents One Half Gallon Panther Brand * * * Peanut Oil"]
* * * Packed and Distributed by Marsili & Co. Inc. San Francisco."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements "Oil of Peanuts" (gallon cans), "Peanut Oil" (half-gallon cans), and "Olio di Arichidi"

(both sizes), borne on the labels, were false and misleading as applied to a product that was a mixture of peanut oil and cottonseed oil, containing more than 10 percent of cottonseed oil; Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents, since the cans contained less than the declared amount; Section 403 (f), the labels contained representations in a foreign language, Italian, and the common or usual name of each ingredient did not appear thereon in the foreign language; and, Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since cottonseed oil, an ingredient, was not declared.

DISPOSITION: November 3, 1943. The Wing Sing Wo Co., Honolulu, Hawaii, and the Morse Export Import Co., Inc., having appeared as claimants, a stipulation providing for the relabeling of the product by the claimants, under the supervision of the Food & Drug Administration, was filed and approved by the court. The relabeling having been satisfactorily completed, an order for the release of the product to the claimants was entered on January 28, 1944.

5988. Adulteration of mayonnaise. U. S. v. 500 Cases of Mayonnaise. Consent decree of condemnation. Product ordered released under bond for salvaging the fats. (F. D. C. No. 10788. Sample No. 35524-F.)

LIBEL FILED: September 20, 1943, Western District of North Carolina.

ALLEGED SHIPMENT: On or about August 2, 3, and 4, 1942, by the Southern Margarine Co., Greenville, S. C.

PRODUCT: 590 cases, each containing 12 quart jars, of mayonnaise at Charleston, N. C.

LABEL, IN PART: (Jars) "Southern Gold Brand Mayonnaise."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product was unfit for food because it was rancid.

DISPOSITION: November 22, 1943. The Arcadia Co., Inc., Charlotte, N. C., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for the purpose of salvaging the fats, under the supervision of the Food & Drug Administration. The product was first denatured by adding kerosene.

5989. Adulteration and misbranding of salad dressing. U. S. v. Tasty Food Co. and John B. Pendergrass. Pleas of guilty. Fine of \$30 against each defendant. (F. D. C. No. 10629. Sample Nos. 12261-F, 12262-F, 42841-F.)

INFORMATION FILED: January 25, 1944, District of Oregon, against the Tasty Food Co., a corporation, and John B. Pendergrass, of Portland, Oreg.

ALLEGED SHIPMENT: On or about June 2, and July 7, 1943, from the State of Oregon into the State of Washington.

LABEL, IN PART: "Over the Top Brand Salad Dressing," or "Tasty Salad Dressing."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, an edible food oil, had been in whole or in part omitted from the product; Section 402 (b) (2), an article containing mineral oil, a non-nutritive substance, had been substituted for salad dressing; and, Section 402 (b) (4), a substance having no food value had been added to the product or mixed or packed with it so as to reduce its quality.

Misbranding, Section 403 (a), the statements on the labels, "Salad Dressing Contains: Water, Cottonseed Oil, Rice Flour, Whole Eggs, Spice and Vinegar," were false and misleading since the product was not salad dressing, it contained an ingredient, non-nutritive mineral oil, other than those named in the label statements, and the oil contained in the article did not consist solely of cottonseed oil, but consisted in large part of mineral oil; and, Section 403 (b) the product was offered for sale under the name of another food, salad dressing.

DISPOSITION: February 1, 1944. Pleas of guilty having been entered, the court imposed a fine of \$5 on each of 6 counts, a total fine of \$30 against each defendant.

SPICES, FLAVORS, AND SEASONING MATERIALS

5990. Adulteration of chili pods. U. S. v. 36 Cartons of Chili Pods. Default decree of condemnation and destruction. (F. D. C. No. 11238. Sample No. 57689-F.)

LIBEL FILED: December 6, 1943, Western District of Texas.

ALLEGED SHIPMENT: On or about November 23 and December 3, 1943, from Garden Grove, Calif., by J. A. Knapp.

PRODUCT: 36 cartons, each containing 25 pounds, of chili pods at El Paso, Tex.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of live maggots and insect excreta.

DISPOSITION: December 28, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5991. Adulteration of Red Chili Molido (chili powder). U. S. v. 87 Tubes and 138 Tubes of Red Chili Molido. Default decree of condemnation and destruction. (F. D. C. No. 10843. Sample Nos. 39489-F, 39490-F.)

LIBEL FILED: September 29, 1943, District of Arizona.

ALLEGED SHIPMENT: On or about July 2, 1943, by the Tortopa Chili Co., Canutillo, Tex.

PRODUCT: 87 4-ounce and 138 8-ounce tubes of Red Chili Molido (chili powder) at Morenci, Ariz.

LABEL, IN PART: "Tortopas Red Chili Molido."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of moths, larvae, cocoons, and webbing.

DISPOSITION: November 13, 1943. No claimant having appeared, judgment of condemnation was entered and the product ordered destroyed.

5992. Adulteration of curry powder. U. S. v. 1 Barrel of Curry Powder. Default decree of condemnation and destruction. (F. D. C. No. 10727. Sample No. 55403-F.)

LIBEL FILED: September 17, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about March 11, 1943, by Mailliard & Schmiedell, San Francisco, Calif.

PRODUCT: 1 barrel containing approximately 120 pounds of curry powder at Seattle, Wash.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles.

DISPOSITION: January 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5993. Adulteration of sage. U. S. v. 90 Pounds of Sage. Default decree of condemnation and destruction. (F. D. C. No. 10796. Sample No. 55405-F.)

LIBEL FILED: October 7, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about February 1, 1943, by S. B. Penick & Co., Jersey City, N. J.

PRODUCT: 90 pounds of sage at Seattle, Wash.

LABEL, IN PART: "Powd. Cyprus Sage."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles.

DISPOSITION: January 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5994. Adulteration of sage. U. S. v. 1 100-Pound Bag and 1 50-Pound Bag of Sage. Default decree of condemnation and destruction. (F. D. C. No. 11020. Sample No. 51338-F.)

LIBEL FILED: October 30, 1943, District of Rhode Island.

ALLEGED SHIPMENT: On or about September 25, 1943, by the North Packing & Provision Co., East Cambridge, Mass.

PRODUCT: 1 100-pound bag and 1 50-pound bag of sage at Providence, R. I.

LABEL, IN PART: "Sage Rosemary * * * From Thomson & Taylor Division The Warfield Company, Chicago, Ill."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirt.

DISPOSITION: December 4, 1943. No claimant having appeared, a decree of condemnation and destruction was entered.

5995. Misbranding of vanilla extract. U. S. v. 7 Gross Cartons of Vanilla Extract. Default decree of condemnation. Product ordered delivered to a charitable organization. (F. D. C. No. 10469. Sample No. 22850-F.)

LIBEL FILED: August 26, 1943, District of New Jersey.

ALLEGED SHIPMENT: On or about July 28, 1943, from Brooklyn, N. Y., by Safe Owl Products, Inc.

PRODUCT: 5 gross cartons, each containing 1 ½-ounce bottle, and 2 gross cartons, each containing 1 1½-ounce bottle of vanilla extract at Atlantic City, N. J.

LABEL, IN PART: "Safe Owl Pure Extract ½ Fl. Oz. [or "1½ Fluid Ounces"] Vanilla."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), a portion of the article ½ oz. size) was alleged to be misbranded in that the statement "½ Fl. Oz." was false and misleading as applied to an article that was short volume; Section 403 (d), its container was so made and filled as to be misleading, since the carton was too wide for the bottle and the bottle was too tall for its capacity, and it did not fill a reasonable amount of the available space in the carton; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. The other portion (1½ oz. size) was alleged to be misbranded, Section 403 (d), in that its container was so made and filled as to be misleading, since the carton was too tall and too wide for the bottle, and the bottle did not occupy a reasonable amount of the available space.

DISPOSITION: December 22, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization.

MISCELLANEOUS FOODS

5996. Misbranding of soup mix. U. S. v. 33 Cases of Soup Mix. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 11138. Sample No. 49802-F.)

LIBEL FILED: November 18, 1943, Western District of New York.

ALLEGED SHIPMENT: On or about July 27 and August 7, 1943, by the Pfaffman Co., Cleveland, Ohio.

PRODUCT: 33 cases, each containing 24 packages, of soup mix at Buffalo, N. Y.

LABEL, IN PART: (Packages) "Pfaffman's Kwik Soup Ingredients Chicken Noodle With Chicken Fat Ingredients—Extra rich pure Egg Noodles, Chicken fat, dehydrated parsley flakes, vegetable protein derivative (an artificial seasoning), salt and spice extractives."

VIOLATIONS CHARGED: Misbranding, Section 403 (a) the name "Chicken Noodle," appearing on the label, was false and misleading as applied to a soup mix containing no chicken meat or chicken extractives other than chicken fat, and the prominent statement "With Chicken Fat," appearing on the labeling, was misleading since the label failed to reveal with equal prominence that the article also contained hydrogenated vegetable oil and artificial flavor; Section 403 (i) (2), it was fabricated from two or more ingredients and the label failed to bear the common or usual name of each such ingredient, since hydrogenated vegetable oil was not declared.

DISPOSITION: January 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

5997. Adulteration and misbranding of soup mixture. U. S. v. 16 Cases of Soup Mixture. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 10923. Sample No. 12568-F.)

LIBEL FILED: October 14, 1943, Eastern District of Washington.

ALLEGED SHIPMENT: On or about May 20 and August 23, 1943, by the Barker Food Products Co., Los Angeles, Calif.

PRODUCT: 16 cases of soup mixture at Yakima, Wash.

LABEL, IN PART: "Barkers Royal Soup Mixture."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, chicken meat extractives, had been omitted; and, Section 402 (b) (2) a noodle soup mix containing no chicken meat extractives had been substituted for chicken noodle soup mixture, which the article purported to be.

Misbranding, Section 403 (a), the name "Chicken Noodle" was false and misleading as applied to a noodle soup mix containing no chicken meat extractives; Section 403 (b), the article was offered for sale under the name of another food, chicken noodle soup mixture; Section 403 (e), the container was so filled as to be misleading since the packages were only approximately half filled with the product; and, Section 403 (k), the product contained artificial flavoring, monosodium glutamate, and failed to bear labeling stating that fact.

DISPOSITION: December 1, 1943. No claim having been entered, the product was condemned and ordered delivered to a charitable institution.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

5998. Adulteration and misbranding of candy. U. S. v. Joe Franklin Myers (Joe Franklin Myers Industries). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 10561. Sample No. 2369-F.)

INFORMATION FILED: On October 25, 1943, Northern District of Texas, against Joe Franklin Myers, trading under the firm name Joe Franklin Myers Industries, Dallas, Tex.

ALLEGED SHIPMENT: On or about March 8, 1943, from the State of Texas into the State of Illinois.

LABEL, IN PART: "Fruit Ice Sticks," or "Almond Crunch Sticks."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, carotene (vitamin A), riboflavin (B₂), and thiamine (B₁) had been in large part omitted.

Misbranding, Section 403 (a), the statements on the label, "These candies when made contained 2200 or more U. S. P. units of Carrotene (Vitamin A) * * * 2000 or more units of Thiamine (B₁), 320 micrograms of Riboflavin (B₂) * * * to each pound," were false and misleading since it contained smaller amounts of the said vitamins than declared; and, Section 403 (j), in that it purported to be and was represented as a food for special dietary uses by man by reason of its vitamin properties, and its label did not bear a statement of the proportion of the minimum daily requirements for carotene (vitamin A), thiamine (B₁), and riboflavin (B₂) which would be supplied by the product when consumed as directed during a period of 1 day; and the label did not bear a statement, as required by the regulations, that the need in human nutrition for pyrodoxine (B₆) and pantothenic acid has not been established.

DISPOSITION: December 15, 1943. A plea of nolo contendere was entered and the defendant was fined \$100.

5999. Misbranding of Min-O-Malt (chocolate-flavored sirup). U. S. v. 19 Cartons of "Chocolate Flavor Syrup" (and 1 other seizure action against chocolate-flavored sirup). Decrees of condemnation. One lot ordered delivered to a charitable institution; remaining lot ordered released under bond for relabeling. (F. D. C. Nos. 10467, 12257. Sample Nos. 20236-F, 79234-F.)

LIBELS FILED: August 26, 1943, District of Rhode Island; April 25, 1944, District of Columbia.

ALLEGED SHIPMENT: From on or about July 7 to August 9, 1943, by the Almonette Candy Co., Lynn, Mass.

PRODUCT: 19 cartons, each containing 24 jars, of chocolate-flavored sirup at Providence, R. I., and 65 cases, each containing 12 jars, of chocolate-flavored sirup at Washington, D. C.

LABEL, IN PART: (Jars) "Chocolate Flavor Syrup Enriched with Energizing Vitamins and Minerals 1 Lb. 6 Oz. Net Delicious MIN-O-MALT Nutritious."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that statements appearing on the jar label, "Energizing * * * For better resistance * * * For better digestion * * * For healthier teeth * * * For sounder bone structure * * * For more red blood cells * * * For quick energy * * * physical and mental well-being of the individual * * * for the normal functioning of the body processes * * * for buoyant health," and, in a folder accompanying the jar, "More Vitamin A than 6½ pounds of butter. More Vitamin B₁ than 250 pounds of cheese. More Vitamin D than 50 dozen eggs. More Calcium and Phosphorus than 40 quarts of milk. More Iron than 100 pounds of spinach," and further statements about vitamin and mineral needs, appearing in the folder, were false and misleading since the use of the product would not accomplish the results suggested and implied in that labeling; and in that the statement "1 Lb. 6 Oz. Net" was false and

misleading as applied to an article that was short-weight; Section 403 (j), the product purported to be and was represented as a food for special dietary uses by reason of its vitamin properties in respect to vitamins A, B, and D, and its mineral properties in respect to calcium and iron, and its label failed to bear the information prescribed by the regulations as necessary in order fully to inform the purchaser of its value for such uses, since there was no statement of the proportion of the minimum daily requirements for the said nutritional factors which would be supplied by the article when consumed in a specified quantity as directed during a period of 1 day; and, Section 402 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 8, 1944. No claimant having appeared for the lot at Providence, judgment of condemnation was entered and the product was ordered delivered to a charitable institution. On July 12, 1944, Edward Zupnik, trading as Edward Zupnik & Sons, having appeared as claimant for the lot located at Washington, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

3000. Misbranding of Soya Mix. U. S. v. 27 Cases of Soya Mix. Default decree of condemnation. Product ordered delivered to a charitable institution.
(F. D. C. No. 11144. Sample No. 57664-F.)

LIBEL FILED: On November 22, 1943, Northern District of Texas.

ALLEGED SHIPMENT: On or about August 12 and September 2, 1943, by the Georgie Porgie Mills, Council Bluffs, Iowa.

PRODUCT: 27 cases, each containing 18 1½-pound packages, of Soya Mix at Amarillo, Tex.

LABEL, IN PART: "Soya Mix for Pancakes and Waffles."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the following statements on the label, "Soya Mix * * * Soya Creme * * * The Soy Bean flour used in this excellent product contains nearly—2½ times the muscle building protein of lean beef-steak, pork chops and salmon. Plus vitamins A, B₁, G, P, & H—Plus calcium and available iron. And no fat producing starch," were misleading since they represented and suggested that the article was essentially a soybean flour product and, when used in the customary manner, would be of special nutritional significance by reason of the various nutritional factors mentioned, whereas it consisted essentially of wheat flour to which had been added a small quantity of a soybean product and, when used in the customary manner, it would not be of special nutritional significance by reason of the various nutritional factors mentioned; and, Section 403 (f), the declaration of ingredients in the article was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: January 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution for its use and not for sale.

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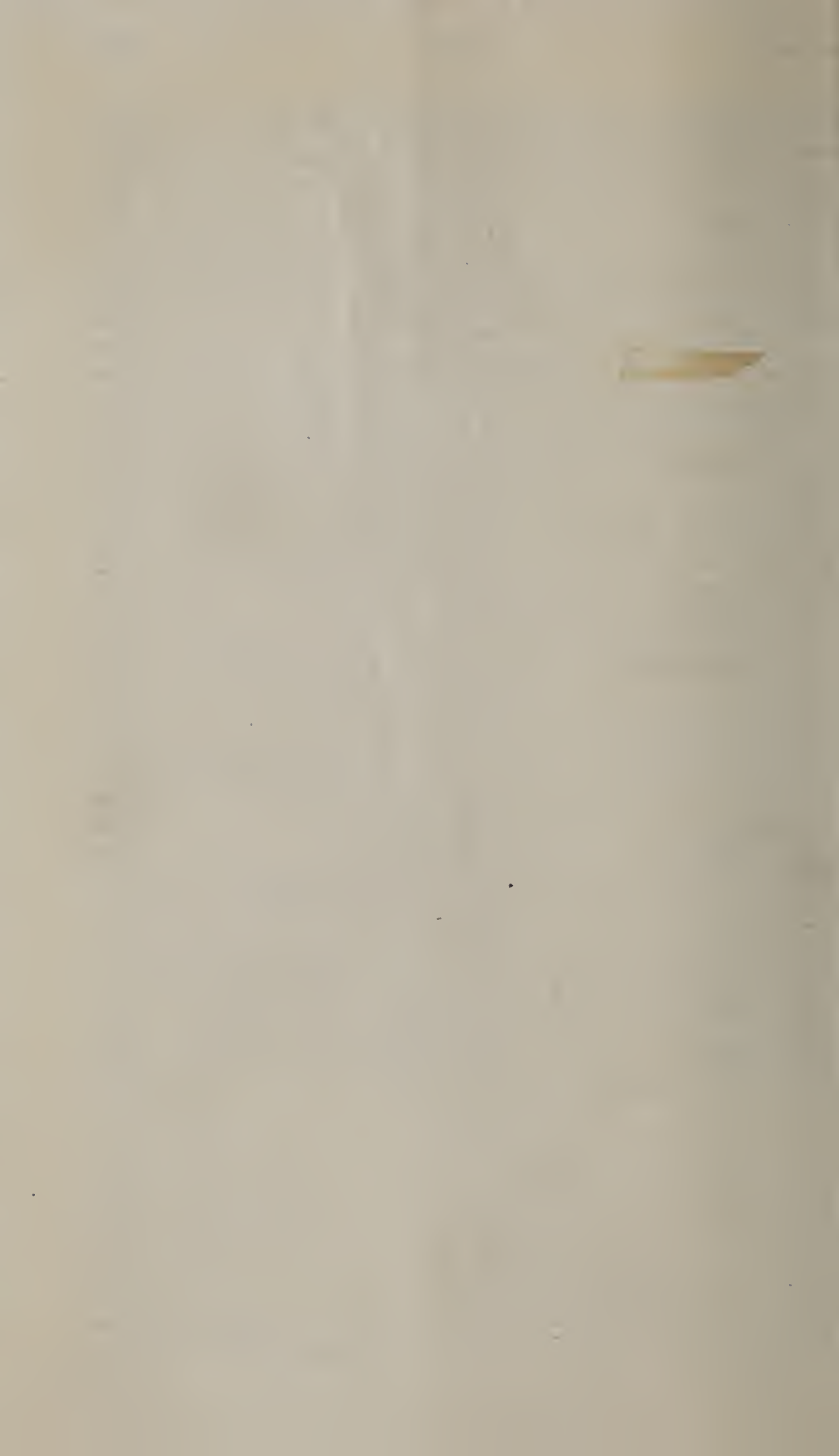
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¹ 5874. Seizure contested.

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DeBernardi, D. F., & Co.:		Great Atlantic & Pacific Tea Co.:	
peanut oil-----	5986	butter-----	5856
Decatur Milling Co., Inc.:		flour-----	5824
cream of maize-----	5817	tomatoes, canned-----	5943, 5948
Decatur Packing Corp.:		Green Brothers, Inc.:	
tomato puree-----	5954	coconut-----	5972
Deck Brothers Produce Co.:		Gwinner Cooperative Creamery:	
canned green beans-----	5924	butter-----	5845
Delca Fish Preservators, Inc.:		Haase, A. C. L., Co.:	
tuna fish spread-----	5883	canned spinach-----	5940
Delta County Canning Co.:		Halter's Pretzels, Inc.:	
canned cherries-----	5895	pretzel sticks-----	5815
DeLuxe Dainties, Inc.:		Hanover Canning Co.:	
glacé fruit-----	5920	canned peas-----	5928
Dickinson, A. K.:		Heggblade Marguleas Co.:	
jam-----	5921	dates-----	5898
Edgerton Cooperative Creamery:		Heiman, H., Co.:	
butter-----	5850	coffee concentrate-----	5801
Ehrat Cheese Co., Inc.:		Hickman & Sterling:	
cheese-----	5859	fresh oysters-----	5884
Eldridge Food Sales Co.:		Higdon Grocery Co.:	
spaghetti dinner-----	5811	candy-----	5833
Emmert, Charles:		Higgins, William A., & Co., Inc.:	
apples-----	5904	almonds-----	5968

	N. J. No.		N. J. No.
Hill, Jack :		Means, Mark, Co. :	
pignon nuts-----	5982	split peas-----	5933
Hills Bros. Co. :		Mel Williams Co. :	
shredded and grated coconut-----	5971	canned pears-----	5897
Hogstad Fish Co. :		Melrose Canning Co. :	
fresh herring-----	5876	peas-----	5926
Holler's Concentrated Beverages :		Melster Candy Co. :	
grape base, imitation-----	5803	candy-----	5832
Horn Processing Co. :		Menzer, William, Inc. :	
frozen peaches-----	5915	butter-----	5847
Houglund Packing Co. :		Mersel & Co. :	
canned tomatoes-----	5942	butter-----	5854
Household Products Co. :		Morgan Packing Co. :	
canned peas-----	5930	sauerkraut-----	5938
Hover, Carl :		Morrissey, C. T. :	
apples-----	5906	Eggine-----	5870
Hubbard Milling Co. :		Morrissey, Chas. T., & Co. <i>See</i> Mor-	
flour-----	5827	rissy, C. T.	
Hubbard-Parker-Small, Inc. :		Morse Export Import Co., Inc. :	
poultry-----	5965	peanut oil-----	5987
Huberty, J. H. :		Morten Milling Co. :	
apples-----	5904	flour-----	5824
Hulman & Co. :		Mountain State Creamery Co. :	
canned tomatoes-----	5942	butter-----	5855
Icco Cheese Co., Inc. :		Mountain View Dairies, Inc. :	
grated cheese-----	5860	butter-----	5855
Indian Ridge Canning Co. :		Mullins, J. J., & Co. :	
canned oysters-----	5886	butter-----	5852
Irvins', J. S., Son, Inc. :		Myers, J. F. :	
soya wafers-----	5814	candy-----	5998
Italian Importing :		Myers, Joe Franklin, Industries.	
grated cheese-----	5860	<i>See</i> Myers, J. F.	
Jageman Bode Co. :		National Retailer-Owned Grocers,	
tomato puree-----	5952	Inc. :	
Jaxon Foods, Inc. :		canned oysters-----	5886
peanut butter-----	5980	National Terminals Corp. :	
Kenny, C. D., Co. :		chick peas-----	5932
flour-----	5819	New York Nut Shelling Co., Inc. :	
Kentucky Macaroni Co. :		peanuts-----	5975
spaghetti and macaroni-----	5810	Ninth Street Skookum Growers, Inc. :	
Kessler & Bagnetto Canning Co. :		apples-----	5903
canned tomatoes-----	5947	Noble, F. :	
Keystone Grocery & Distributing Co.		apples-----	5909
of Pittsburgh, Inc. :		North Packing & Provision Co. :	
olive oil-----	5985	sage-----	5994
King Cole Candies, Inc. :		Old Yankee Syrup Co. :	
candy-----	5831	peanuts-----	5978
Kirby, Marshall, & Co., Inc. :		Oneonta Trading Corp. :	
dried whole egg-----	5863	apples-----	5907
Knapp, J. A. :		Oregon Nut Shellers :	
chili pods-----	5990	shelled filberts-----	5973
Knapp-Sherrill Co. :		Oswego Jelly Co. <i>See</i> Dickinson,	
canned tomatoes-----	5947	A. K.	
Koligian Bros. :		Ottis Fish Market :	
fig paste-----	5916	frozen shrimp-----	5892
Krug Baking Co. of New York, Inc. :		Paragon Packing Co. :	
flour-----	5822	sole filets-----	5881
Land O'Lakes Creameries, Inc. :		Paramount Fruit Export Co. :	
chickens-----	5959	dates-----	5898
Laurel Biscuit Co. :		Patterson Milling Co. :	
cheese chips and graham wafers-----	5813	corn meal-----	5816
Linzoy, Roy :		Pauly & Pauly Cheese Co. :	
potatoes-----	5935	cheese-----	5858
Logansport Canning Co., Inc. :		Pendergrass, J. B. :	
canned tomatoes-----	5945	salad dressing-----	5989
Louis Crab Factory :		Penick, S. B., & Co. :	
frozen shrimp-----	5894	sage-----	5993
Loveland Canning Corp. :		Pepper, I. J. :	
frozen cherries-----	5912	apples-----	5901
McArthur, J. K. :		Pete's Best Packing Co. :	
apples-----	5902	apples-----	5902
McGrath, H. J., Co. :		Pfaffman Co. :	
canned peas-----	5930	soup mix-----	5996
canned tomatoes-----	5946	Pinnere, Dante :	
Mack-Murray Co. :		olive oil-----	5984
fruit cake-----	5812	Piper & Ellis :	
McPhillips Packing Co. :		apples-----	5905
canned oysters-----	5885	Pipestone Produce Co. :	
Mahoning Valley Flour Co. :		butter-----	5850
flour-----	5827	Piraino, S. J. :	
Mailliard & Schmiedell :		apples-----	5908
curry powder-----	5992	Pollman, Sam, Produce Co. :	
Mallet and Co. :		frozen whole eggs-----	5867
Malacocoa-----	5838	Potomac Creamery Co., Inc. :	
Manaster, J., Co. :		butter-----	5842
dressed poultry-----	5964	Prince Macaroni Manufacturing Co. :	
Marshall Canning Co. :		egg noodles-----	5806
canned green beans-----	5924		

	N. J. No.		N. J. No.
Pringle, R. D., Co.:		Silverman, B. A.:	
frozen fig puree and frozen sweet-		candied and glacéd fruits-----	5918
ened crushed figs-----	5913	Southern Margarine Co.:	
Producers-Canners' Cooperative, Inc.:		mayonnaise-----	5988
tomato paste-----	5951	Southland Products Co.:	
Red Lake Falls Creamery Co.:		frozen peaches-----	5914
butter-----	5854	Statler Hotel:	
Reeves Parvin Co.:		huckleberries-----	5910
enriched flour-----	5820	Stoller Fisheries, Inc.:	
Reliable Nut Co.:		tullibeas-----	5882
mixed nuts-----	5974	Sunflower Poultry & Egg Co.:	
Rich, E. C., Inc.:		dressed poultry-----	5964
prepared fruit and candy-----	5829	Sun-Rich Products Co.:	
Ridenour, C. T.:		orangeade-----	5805
dressed poultry-----	5963	Swift & Co.:	
Roberts, G. C.:		turkeys-----	5966
shell eggs-----	5868	Table Products Co.:	
Robinson, J. B.:		canned peas-----	5931
cocoa substitute-----	5836, 5837	Tasty Food Co.:	
Rodewald, F. W.:		salad dressing-----	5989
apples-----	5901	Temple Cotton Oil Co.:	
Rosenberg Bros. & Co.:		cottonseed meal-----	5871
raisins-----	5900	Terminal Refrigerating and Ware-	
Rothenberg and Schneider Bros.,		housing Corp.:	
Inc.:		huckleberries-----	5910
frozen whole eggs-----	5864	Texas Food Products Co.:	
Rowse Co.:		canned tomatoes-----	5948
cider-----	5802	Thompson, Joe:	
Royale Popcorn Co.:		potatoes-----	5937
cocoa substitute-----	5836	Tortopa Chili Co.:	
Runkle Co.:		chili powder-----	5991
candy-----	5828	Trade Wind Foods, Inc.:	
Russel-Miller Milling Co.:		shredded and grated coconut-----	5971
flour-----	5826	Tri-State Brokerage Co.:	
Rutstein, Benjamin:		piñon nuts-----	5982
frozen whole eggs-----	5865	Tyrrell & Garth, Inc.:	
Rutstein, I. B. See Rutstein, Benja-		tomatoes-----	5944
min.		United Fruit Co.:	
Safe Owl Products, Inc.:		cocoa beans-----	5835
vanilla extract-----	5995	United States Cold Storage Co.:	
Sagel, H.:		peanuts-----	5979
candy-----	5834	Valley Canning Co.:	
St. Mary's Packing Co.:		canned pears-----	5897
canned peas-----	5927	Valley Creamery:	
Schreiber, L. D., & Co.:		butter-----	5851
butter-----	5841	Vincennes Packing Corp.:	
Schwarzmann, Ferdinand:		tomato catsup-----	5950
almonds-----	5968	Viviano, V., & Bros. Macaroni Manu-	
Scott Co.:		facturing Co., Inc.:	
sauerkraut-----	5938	spaghetti and macaroni-----	5809
Sea Food Specialty Co.:		Wakeman, Harry:	
frozen shrimp-----	5893	apples-----	5905
Seaside Fisheries Co.:		Walgreen Co.:	
canned sardines-----	5880	dry milk solids-----	5861
Selma Manufacturing Co.:		Walker's Fulton Fish Co.:	
sugar-----	5840	frozen mullet fillets-----	5878
Severson Produce Co.:		Warfield Co. (Thomson & Taylor	
dressed poultry-----	5962	Division):	
Sexton Fish Co.:		sage-----	5994
frozen buffalo fish-----	5873	Weisber, Norman, Co.:	
Sexton, John, & Co.:		cake flour, whole wheat flour, rye	
grape base, imitation-----	5803	flour, and plain wheat flour-----	5818
Shapiro Fisheries, Inc.:		Wenatchee Growers, Inc.:	
fresh herring-----	5875	apples-----	5907
Shedd Products Co.:		Wenatchee Wagner Orchards:	
oleomargarine-----	5862	apples-----	5907
Shirley Food Co.:		West Coast Growers & Packers:	
tomato puree-----	5955	raisins-----	5899
		Young's Market Co.:	
		butter-----	5855



FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 402 of the Food, Drug and Cosmetic Act]

6001-6200

U. S. DEPARTMENT OF AGRICULTURE
FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *January 22, 1945.*

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BEVERAGES AND BEVERAGE MATERIALS

6001. **Adulteration of raisin brandy. U. S. v. 3 Drums of Raisin Brandy. Default decree of condemnation and destruction.** (F. D. C. No. 12316. Sample No. 39188-F.)

LABEL FILED: May 9, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 5, 1943, by Fresno Warehouse Co., from Fresno, Calif.

PRODUCT: 3 drums, each containing 70 gallons, of raisin brandy at Chicago, Ill.

LABEL, IN PART: "Eugenio Morello Kerman Cal Raisin Brandy."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (1), the product contained a poisonous or deleterious substance, fusel oil, which might have rendered it injurious to health; and Section 402 (a) (3), it was unfit for food by reason of the presence of an excessive amount of fusel oil.

DISPOSITION: June 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6002. Adulteration and misbranding of Orange Dairy Mix. U. S. v. 6 Cases of Orange Dairy Mix. Default decree of condemnation and destruction. (F. D. C. No. 12228. Sample No. 52047-F.)

LIBEL FILED: May 1, 1944, District of New Hampshire.

ALLEGED SHIPMENT: On or about August 28, 1943, by the L. E. Leach Co., Somerville, Mass.

PRODUCT: 6 cases, each containing 4 1-gallon jugs of Orange Dairy Mix, at Concord, N. H.

LABEL, IN PART: (Jugs) "Old Chateau * * * Orange Dairy Mix * * * Old Chateau Products Post Office, Bedford, Mass. Plant, Carlisle, Mass."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), in that a valuable constituent, orange juice, had been in part omitted from the product; Section 402 (b) (2), in that water had been substituted in whole or in part for orange juice; Section 402 (b) (3), in that inferiority had been concealed by the use of orange pomace, orange oil, water, gum, acids, and artificial color; and, Section 402 (b) (4), in that artificial color and orange pomace had been added thereto and mixed and packed therewith, so as to make the product appear better or of greater value than it was.

Misbranding, Section 403 (a), in that the statement on the label, "Pure California Valencia Orange Juice—Sugar—Peel Oil—Gum—Citric Acid—Corn Syrup—Color and Preservative Added," was false and misleading as applied to a mixture containing water, an insignificant proportion of orange juice, and no vitamin C; and, Section 403 (i) (2), in that the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient since water, orange pomace, lactic acid, and the kind of gum used were not declared.

DISPOSITION: July 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6003. Adulteration and misbranding of pineapple and orange drink. U. S. v. 25 Cases of Pineapple and Orange Drink. Default decree of condemnation. Product delivered to charitable institutions. (F. D. C. No. 12729. Sample No. 40199-F.)

LIBEL FILED: June 27, 1944, District of South Dakota.

ALLEGED SHIPMENT: On or about May 12, 1944, by the Iowa Products Co., from Sioux City, Iowa.

PRODUCT: Pineapple and orange drink, 25 cases, each containing 6 half-gallon jugs, at Sioux Falls, S. Dak.

The product was an artificially colored, acidulated solution of water and sugar which contained fruit pomace and was flavored with orange peel oil and artificial pineapple flavor to simulate a fruit ade. It contained little or no pineapple or orange juice and was preserved with sodium benzoate.

LABEL, IN PART: (Jugs) "Rio Grande Pineapple and Orange Drink."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, pineapple and orange juice, had been in whole or in part omitted from the product; Section 402 (b) (4), artificial color, acid, fruit pomace, orange peel oil, and artificial flavor of pineapple-orange fruitade had been mixed and packed with the product so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the statements which appeared on the label, "A Quality Drink for the Entire Family * * * Contains Water, Sugar, Pineapple and Orange Juice, Citric Acid, Fruit Oils, Artificial color. Less than 1/10 of 1% Benzoate of Soda," were false and misleading as applied to an article which contained little or no pineapple and orange juice; and, Section 403 (c), it was an imitation of another food, pineapple and orange fruitade, and its label failed to bear, in type of uniform size and prominence, the word "imitation," and, immediately thereafter, the name of the food imitated.

DISPOSITION: July 31, 1944. No claimant having appeared, judgment of condemnation was entered and the marshal was ordered to dispose of the product. It was delivered to charitable institutions.

6004. Adulteration and misbranding of beverage sirup vanilla. U. S. v. 11 Cartons and 2 Jugs of Beverage Syrup Vanilla. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 12838. Sample No. 76943-F.)

LIBEL FILED: July 7, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about June 27, 1944, by the New Jersey Tobacco Co., Asbury Park, N. J.

PRODUCT: 11 cartons, each containing 4 1-gallon jugs, and 2 jugs of beverage sirup vanilla at New York, N. Y.

This product was a mixture of sugar, water, artificial vanillin, and coumarin, colored with caramel and containing little or no vanilla extract.

LABEL, IN PART: (Jugs) "Master Brands Triple Dilution Beverage Syrup Vanilla * * * Master Brands of America Manufacturers New York."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, vanilla extract, had been in whole or in part omitted from the product; Section 402 (b) (2), an artificially flavored and colored beverage sirup had been substituted in whole or in part for a triple-strength vanilla sirup; Section 402 (b) (3), inferiority had been concealed by the addition of artificial flavoring and coloring; and, Section 402 (b) (4), artificial flavoring and coloring had been added to the product or mixed or packed with it so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the statements, "Triple Dilution Beverage Syrup Vanilla Prepared with cane sugar syrup, imitation vanilla flavor and pure vanilla extract * * * To one part this vanilla syrup add three part simple syrup," borne on the label, were misleading as applied to an article which contained little or no vanilla extract; Section 403 (b) it was offered for sale under the name of another food, "Triple dilution beverage syrup vanilla"; and, Section 403 (c), it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

DISPOSITION: August 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

6005. Misbranding of Effect-O. U. S. v. 14 Jugs of Effect-O. Default decree of condemnation and destruction. (F. D. C. No. 12508. Sample No. 52252-F.)

LIBEL FILED: June 7, 1944, District of Rhode Island.

ALLEGED SHIPMENT: On or about March 27, 1944, by the Chandler Laboratories, from Philadelphia, Pa.

PRODUCT: 14 1-gallon jugs of Effect-O at West Barrington, R. I.

LABEL, IN PART: (Jugs) "Effect-O * * * The Perfect Stabilizer For All Beverages Eliminates the use of Preservatives."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements in the labeling, "The Perfect Stabilizer For All Beverages Eliminates the use of Preservatives Use ½ Oz. to each Gallon of Bottling Syrup," were misleading since the labeling failed to reveal the material fact that the article contained, per 100 cc., 13.5 or more grams of monochloroacetic acid, a poisonous and deleterious substance which caused the article itself to be a poisonous and deleterious substance, and rendered it unwholesome and unsuitable for use as a component of beverages used by man.

DISPOSITION: September 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREAL AND CEREAL PRODUCTS

ALIMENTARY PASTES

6006. Adulteration of alimentary pastes. U. S. v. 75 Cases of Macaroni, 10 Cases of Spaghetti, and 10 Cases of Vermicelli (and 1 other seizure action against alimentary pastes). Default decrees of condemnation. Products ordered released to the State Fish and Wildlife Service for uses other than human consumption. (F. D. C. Nos. 11804, 11805. Sample Nos. 58132-F to 58134-F, incl., 68815-F to 68817-F, incl.)

LIBELS FILED: February 15, 1944, District of New Mexico.

ALLEGED SHIPMENT: On or about January 10 and 13, 1944, by the American Beauty Macaroni Co., Denver, Colo.

PRODUCT: A total of 95 cases of macaroni, spaghetti, and vermicelli, at Santa Fe, N. Mex., and a total of 320 cases and 45 boxes of macaroni, vermicelli, and "Shel-Roni," at Albuquerque, N. Mex.

LABEL, IN PART: "American Beauty * * * Macaroni [or "Spaghetti," "Vermicelli," "Large Elbo," or "Shel-Roni"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances, (75 cases) insect fragments and a fragment similar to rodent hairs, (20 cases) insect fragments and rodent hairs, and (320 cases and 45 boxes) rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: June 23, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to the State Fish and Wildlife Service, for uses other than human consumption.

6007. Adulteration of macaroni. U. S. v. 63 Boxes of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 12245. Sample No. 52299-F.)

LIBEL FILED: April 24, 1944, District of Maine.

ALLEGED SHIPMENT: On or about March 22, 1944, by the Italia Macaroni Co., from Worcester, Mass.

PRODUCT: 63 boxes, each containing 20 pounds, of macaroni at Rumford, Maine.

LABEL, IN PART: "Italiá Extra Fine Made From Pure No. 1 Semolina Macaroni."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6008. Adulteration and misbranding of egg noodles. U. S. v. 126 Cases and 98 Cases of Noodles. Default decree of condemnation. Product ordered delivered to a Federal institution for use as hog feed. (F. D. C. No. 12397. Sample No. 76352-F.)

LIBEL FILED: On or about May 18, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about April 14, 1944, by Meyer's Egg Noodle Co., Glendale, Long Island, N. Y.

PRODUCT: 126 cases, each containing 12 1-pound bags, and 98 cases, each containing 24 8-ounce bags, of noodles at West Haven, Conn.

LABEL, IN PART: (Bags) "Dutch Maid * * * Pure Egg Noodles Made From Durum Flour and Egg Yolk Distributed By Pfrang Inc. * * * West Haven, Conn."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), in that a valuable constituent, egg, had been in part omitted from the article; and, Section 402 (b) (2), in that a substance, noodles deficient in egg solids, had been substituted in whole or in part for egg noodles, which the article was represented to be.

Misbranding, Section 403 (a), in that the statement which appeared on the label, "Pure Egg Noodles," was false and misleading as applied to an article deficient in egg solids.

DISPOSITION: August 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution to be used for hog feed.

6009. Misbranding of egg noodles with fresh mushrooms. U. S. v. 25 Cases of Egg Noodles with Fresh Mushrooms. Default decree of condemnation. Product ordered delivered to a charitable organization. (F. D. C. No. 12145. Sample No. 66376-F.)

LIBEL FILED: April 6, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about March 16, 1944, by the Universal Food Co., from Central Islip, N. Y.

PRODUCT: 25 cases, each containing 24 1-pound jars, of the above-named product, at Newark, N. J.

LABEL, IN PART: "The Original Valerio Egg Noodles with Fresh Mushrooms * * * Manufactured by A. Valerio Sole Distributors Universal Food Co. New York, N. Y."

VIOLATION CHARGED: Misbranding, Section 403 (a), the prominent designation, "Egg Noodles with Fresh Mushrooms," was false and misleading as applied to the article, which contained no mushrooms.

DISPOSITION: June 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization.

6010. Misbranding of spaghetti dinner. U. S. v. 72 Cases of Spaghetti Dinner. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 12288. Sample No. 48877-F.)

LIBEL FILED: April 29, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 3, 10, and 24, 1944, by M & C Foods, Inc., Chicago, Ill.

PRODUCT: 72 cases, each containing 24 packages, of spaghetti dinner, at Cincinnati, Ohio.

LABEL, IN PART: (Packages.) "M & C Complete Meatless Spaghetti Dinner."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements on the packages, "Spaghetti * * * Contents 7 ounces avoir.," and on the cartons, "Net Wgt. 7 ounces," were false and misleading as applied to an article that was short weight; and, Section 403 (e) (2), it was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: June 3, 1944. M & C Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

CORN MEAL

6011. Adulteration of corn meal. U. S. v. John B. Edgar, and Joseph C. Roney (Humphreys Mills). Pleas of guilty. Each defendant fined \$1,200. (F. D. C. No. 11352. Sample Nos. 40845-F, 40846-F, 47204-F, 47205-F.)

INDICTMENT RETURNED: June 5, 1944, Western District of Tennessee, against John B. Edgar and Joseph C. Roney, trading as Humphreys Mills, Memphis, Tenn.

ALLEGED SHIPMENT: From on or about June 21 to August 14, 1943, from the State of Tennessee into the State of Mississippi.

LABEL, IN PART: "Snow White Cream [or "Home Ground"] Meal Milled [or "Packed"] for King Grocery Co., of Mississippi" or "Yellow * * * Honey Suckle Cream Meal."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments, rodent hairs, rodent hair fragments, hairs resembling rodent hairs, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: June 19, 1944. Pleas of guilty; each defendant fined \$300 on each of 4 counts.

6012. Adulteration of corn meal. U. S. v. 149 Sacks of Corn Meal. Consent decree of condemnation. Product ordered released under bond for use as animal feed. (F. D. C. No. 12119. Sample No. 61478-F.)

LIBEL FILED: On or about April 10, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about March 13, 1944, by the P. P. Williams Co., Vicksburg, Miss.

PRODUCT: 149 sacks of corn meal at Franklinton, La.

LABEL, IN PART: "24 Lbs Net Unbolted Red Wing Home Ground Corn Meal * * * Manufactured by Hill City Flour Co Vicksburg, Miss."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence therein of rodent excreta, rodent hairs, and insect fragments.

DISPOSITION: July 10, 1944. The P. P. Williams Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into animal feed, under the supervision of the Food and Drug Administration.

6013. Adulteration of corn meal. U. S. v. 136 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 12051. Sample No. 60822-F.)

LIBEL FILED: March 20, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about March 3, 1944, by Bewley Mills, Fort Worth, Tex.

PRODUCT: 136 5-pound bags of corn meal at New Orleans, La.

LABEL, IN PART: "Ole-Fashun Corn Meal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances, since it contained rodent excreta, insect fragments, and larvae.

DISPOSITION: July 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6014. Adulteration of corn meal. U. S. v. 215 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 12038. Sample Nos. 61413-F to 61415-F, incl.)

LIBEL FILED: March 18, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about February 15, 1944, by the Scott County Milling Co., Sikeston, Mo.

PRODUCT: 215 bags of corn meal at Covington, La.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances, since it contained rodent excreta, rodent hairs, and insect fragments.

DISPOSITION: July 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6015. Adulteration of corn meal. U. S. v. 30 Bales of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 12258. Sample No. 49391-F.)

LIBEL FILED: April 28, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 7, 1943, by the Richmond Milling & Grain Co., Inc., Richmond, Ind.

PRODUCT: 30 bales, each containing 10 5-pound bags, of corn meal at Dayton, Ohio.

LABEL, IN PART: "Richmond Roller Mills * * * Stone Buhr Yellow Corn Meal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs.

DISPOSITION: June 14, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was converted into animal food by mixing with other ingredients.

6016. Adulteration of tapioca and cream meal. U. S. v. 5 Bags of Tapioca and 21 Bags of Cream Meal. Consent decrees of condemnation. Products ordered mixed with other material for use as stock feed. (F. D. C. No. 10093. Sample No. 42157-F, 42159-F.)

LIBEL FILED: June 14, 1943, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 12, 1942, and April 15, 1943.

PRODUCT: 5 100-pound bags of tapioca and 21 100-pound bags of cream meal, in the possession of the Oswald and Taube Co., Cincinnati, Ohio.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances, (tapioca) urine and rodent pellets, and (cream meal) rodent pellets; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: June 5, 1944. The Oswald and Taube Co., claimant, having admitted the allegations of the libel and consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released to the claimant to be mixed with other material and used as stock feed, under the supervision of the Food and Drug Administration.

FLOUR

Nos. 6017 to 6053 report actions involving flour that was contaminated with one or more of the following types of filth: Insects and insect fragments, pupae, larvae, larvae heads, cast skins, webbing, rodent hairs and hair fragments, hairs resembling rodent and cat hairs, rodent excreta and excreta fragments, and a decomposed substance as evidenced by mold. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.) Nos. 6053 and 6054 report actions involving flour that fell below the definition and standard of identity for enriched flour.

6017. Adulteration of flour. U. S. v. 131 Bags of Flour. Decree of condemnation. Product ordered released under bond, or on deposit of cash collateral or certified check, to be denatured for use as animal feed. (F. D. C. No. 11650. Sample No. 61075-F.)

LIBEL FILED: January 15, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about December 1, 1943, from Oklahoma City, Okla.

PRODUCT: 131 bags, each containing 100 pounds, of flour at New Orleans, La., stored at Maloney Trucking & Storage, Inc.

The flour was stored under insanitary conditions. Examination showed that it contained insect fragments, rodent excreta, and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: August 25, 1944. N. J. Thiery, New Orleans, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond or upon deposit of cash collateral or certified check, conditioned that it be denatured and disposed of as animal or poultry food, under the supervision of the Federal Security Agency.

6018. Adulteration of flour. U. S. v. 245 Bags and 224 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 11832. Sample Nos. 48937-F, 48938-F.)

LIBEL FILED: February 18, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 19 and 23, 1943, by the Flour Mills of America, Inc., St. Louis, Mo.

PRODUCT: 469 140-pound bags of flour at Toledo, Ohio.

LABEL, IN PART: (Tag) "Unbleached Valier's Cracker Ace Flour," or "Bleached Lily Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: March 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6019. Adulteration of flour. U. S. v. 21 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 12447. Sample No. 71783-F.)

LIBEL FILED: June 5, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about October 4, 1943, from Bozeman, Mont.

PRODUCT: 21 50-pound sacks of flour, in possession of the Pacific Fruit & Produce Co., La Grande, Oreg.

This product was stored under insanitary conditions after shipment. The sacks contained rodent-chewed holes, rodent excreta, and urine stains. Examination of samples confirmed the presence of urine on the sack and adhering flour.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 10, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6020. Adulteration of plain flour. U. S. v. 20 Bags and 94 Bags of Flour. Decree of destruction with respect to 20 bags; consent decree of condemnation entered in remaining case, and product ordered released under bond. (F. D. C. Nos. 12924, 13168. Sample Nos. 67886-F, 68065-F, 68227-F.)

LIBELS FILED: July 11 and August 4, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about April 29, July 3, and May 22, 1944, by the International Milling Co., Greenville, Tex., and Davenport, Iowa.

PRODUCT: 114 bags, each containing 100 pounds, of flour at Cincinnati, Ohio.

LABEL, IN PART: "Hy Jump Flour," or "Ethan Allen Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: July 13, 1944. The consignee of the 20 bags having consented to the entry of the decree, judgment was entered ordering the destruction of the product. Destruction was effected by delivery of the product for conversion into hog feed. On August 14, 1944, the International Milling Co., claimant of the 94 bags, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into stock feed under the supervision of the Food and Drug Administration.

6021. Adulteration of flour. U. S. v. 16 Bags of Flour. Decree of destruction. (F. D. C. No. 12923. Sample No. 68044-F.)

LIBEL FILED: July 11, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about April 24, 1944, from New Prague, Minn.

PRODUCT: 16 bags, each containing 100 pounds, of flour in the possession of the L. Weinberg Baking Co., Cincinnati, Ohio.

This product had been stored, after shipment, under insanitary conditions. The bags had numerous urine stains and rodent pellets encrusted on the bags. Examination disclosed the presence of urine in the product.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance; and Section 402 (a) (4), in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 13, 1944. The consignee having consented to the entry of the decree, judgment was entered ordering the destruction of the product. Destruction was effected by delivery of the product for conversion into hog feed.

6022. Adulteration of flour. U. S. v. 38 Bags of Flour. Decree of destruction. (F. D. C. No. 12922. Sample No. 68043-F.)

LIBEL FILED: July 11, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 10, 1944, by the Crete Mills, Crete, Nebr.

PRODUCT: 38 bags, each containing 100 pounds, of flour at Cincinnati, Ohio.

LABEL, IN PART: (Tags) "Champion Bakers."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect fragments.

DISPOSITION: July 13, 1944. The consignee having consented to the entry of a decree, judgment was entered ordering the destruction of the product. Destruction was effected by delivery of the product for conversion into hog feed.

6023. Adulteration of flour. U. S. v. 20 Bags of Flour. Default decree of condemnation. Product ordered delivered to a Federal correctional institution. (F. D. C. No. 12853. Sample No. 81909-F.)

LIBEL FILED: July 7, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about May 4, 1944, by La Grange Mills, from Red Wing, Minn.

PRODUCT: 20 bags, each containing 100 pounds, of flour at New York, N. Y.

LABEL, IN PART: (Bag) "Goodhue Extra Fancy Clear Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, pupae, and insect fragments.

DISPOSITION: August 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal correctional institution. It was disposed of as animal feed.

6024. Adulteration of flour. U. S. v. 20 Bags of Flour. Default decree of condemnation. Product ordered delivered to a State institution, for use as animal feed. (F. D. C. No. 12754. Sample No. 63330-F.)

LIBEL FILED: July 1, 1944, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about May 2, 1944, by the Dodge City Flour Mills, from Dodge City, Kans.

PRODUCT: 20 bags, each containing 98 pounds, of flour at Columbia, S. C.

LABEL, IN PART: (Tag) "First Clear Flour * * * Bleached Manufactured by: The Colorado Milling & Elevator Co. Denver, Colorado Dodge City Division."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: August 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a State institution, for use as animal feed.

6025. Adulteration of flour. U. S. v. 121 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 12406. Sample No. 61322-F.)

LIBEL FILED: On or about May 27, 1944, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about February 8, 1944, from Memphis, Tenn.

PRODUCT: 121 bags, each containing 25 pounds, of our at Port Gibson, Miss., in the possession of the Merchants Grocery Co.

This product had been stored, after shipment, under insanitary conditions. The bags were rodent-cut, and a nest with live and dead mice was found in the stack of flour. Examination showed that the product contained rodent pellets and larvae.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance.

DISPOSITION: August 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6026. Adulteration of flour. U. S. v. 57 Bags of Flour. Decree of condemnation. Product ordered released under bond or upon the deposit of cash collateral, conditioned that it be disposed of as animal or poultry feed. (F. D. C. No. 12683. Sample No. 60936-F.)

LIBEL FILED: June 13, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about April 8, 1944, by the Kansas Milling Co., from Cherryvale, Kans.

PRODUCT: 57 bags of flour at New Orleans, La.

LABEL, IN PART: (Tag) "King Loaf Net 100# Bleach."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, and insect fragments.

DISPOSITION: August 3, 1944. Peter J. Guarino, doing business as the United Flour Co., New Orleans, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond or upon the deposit of cash collateral, conditioned that it be disposed of as animal or poultry feed under the supervision of the Food and Drug Administration. It was denatured by the addition of cottonseed meal.

6027. Adulteration of plain flour. U. S. v. 66 Sacks of Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12705. Sample No. 60771-F.)

LIBEL FILED: June 26, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about March 27, 1944, from Pendleton, Oreg.

PRODUCT: 66 100-pound sacks of flour at Oakland, Calif., in the possession of the Daniel Gallagher Co.

This product had been stored, after shipment, under insanitary conditions. Urine stains and rodent pellets were found on the bags, and examination disclosed the presence of rodent excreta in the product.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 21, 1944. The Coast Dakota Flour Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

6028. Adulteration of flour. U. S. v. 50 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 12626. Sample No. 61328-F.)

LIBEL FILED: June 8, 1944, Western District of Louisiana.

ALLEGED SHIPMENT: On or about April 18, 1944, by the Kimbell-Diamond Milling Co., Denton, Tex.

PRODUCT: 50 100-pound bags of flour at Lafayette, La.

LABEL, IN PART: (Bags) "White Satin Bakers' Short Patent Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and cast skins.

DISPOSITION: September 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was subsequently used for hog feed.

6029. Adulteration of plain flour and self-rising flour. U. S. v. 80 Bags of Flour. Default decree of condemnation. Product ordered delivered to a Federal institution for use as feed for livestock. (F. D. C. No. 12637. Sample Nos. 63257-F, 63266-F, 63267-F.)

LIBEL FILED: June 9, 1944, Western District of South Carolina.

ALLEGED SHIPMENT: On or about May 3 and 17, 1944, by the Yelton Milling Co., from Rutherfordton, N. C.

PRODUCT: 10 10-pound bags, 36 25-pound bags, 29 50-pound bags, and 5 100-pound bags of flour at Chesnee, S. C.

LABEL, IN PART: (Bags) "Yelton's Best Superlative Patent Flour," or "Yelton's Enriched Best Superlative Patent Flour Self-Rising," or "Enriched Sungold Self-Rising Flour."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), in that the article consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following: Insect fragments, fragments resembling rodent and cat hairs, and rodent hair fragments; and, Section 402 (a) (4), in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: August 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution for use as feed for livestock.

6030. Adulteration of flour. U. S. v. 1,200 Bags and 53 Bags of Flour. Decrees of condemnation. Product ordered released under bond for conversion into animal feed. (F. D. C. Nos. 12847, 13268. Sample Nos. 79473-F, 79474-F, 89956-F to 89958-F, incl.)

LIBELS FILED: July 5, 1944, Northern District of Ohio; August 18, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: From on or about February 10 to June 26, 1944, by the Kansas Milling Co., Wichita, Kans.

PRODUCT: 1,200 second-hand bags, each containing 10 pounds, of flour at Marion, Ohio; and 26 bags, each containing 25 pounds, 14 bags, each containing 50 pounds, and 13 bags, each containing 100 pounds, of flour at Siloam Springs, Ark.

LABEL, IN PART: (Portions) "Enriched Wichita's Best Bleached Finest Short Patent Flour," or "Silk Floss Bleach."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following: Larvae, cast skins, and insect fragments.

DISPOSITION: September 9 and 20, 1944. L. M. Greene, Siloam Springs, Ark., and the Kansas Milling Co. having appeared as claimants for the lots at Siloam Springs and Marion, respectively, judgments of condemnation were entered, and the product was ordered released under bond for conversion into animal feed under the supervision of the Food and Drug Administration.

6031. Adulteration of flour. U. S. v. 711 Bags of Enriched Flour. Default decree of condemnation. Fit portion of product ordered delivered to local hospitals; unfit portion ordered destroyed. (F. D. C. No. 12646. Sample No. 72356-F.)

LIBEL FILED: June 8, 1944. Eastern District of Illinois.

ALLEGED SHIPMENT: On or about January 4, 1944, from Kansas City, Mo.

PRODUCT: 711 25-pound bags of flour at National Stock Yards, Ill. The bags resting on the bottom tier of this stacked flour had become moldy.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance as evidenced by mold.

DISPOSITION: July 18, 1944. No claimant having appeared, judgment of condemnation was entered and the unfit portion was ordered destroyed. The fit portion was delivered to local hospitals.

6032. Adulteration of flour. U. S. v. 30 Sacks of Enriched Flour. Default decree of condemnation. Product ordered delivered to a charitable institution, for use as animal feed. (F. D. C. No. 12672. Sample No. 77651-F.)

LIBEL FILED: June 10, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 28, 1943, by the Best Foods, Inc., New York, N. Y.

PRODUCT: 30 100-pound sacks of flour at Philadelphia, Pa.

LABEL, IN PART: "Ceresota Enriched Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances, since it contained beetles, larvae, and weevils.

DISPOSITION: July 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for use as pig feed.

6033. Adulteration of phosphated flour. U. S. v. 57 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 12889. Sample No. 61784-F.)

LIBEL FILED: July 6, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about December 8, 1943, from Dallas, Tex.

PRODUCT: Flour, 57 bags, each containing 48 pounds, at New Orleans, La., in the possession of J. S. Fraering, Inc.

This product had been stored, after shipment, under insanitary conditions. The bags had been gnawed by rodents, and examination disclosed the presence in the product of rodent excreta, rodent hairs, insects, larvae, pupae, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: August 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6034. Adulteration of phosphated flour. U. S. v. 110 Bags of Flour. Default decree of condemnation. Product ordered delivered to a Federal institution, for use as feed for livestock. (F. D. C. No. 12808. Sample No. 63328-F.)

LIBEL FILED: June 29, 1944, Western District of South Carolina.

ALLEGED SHIPMENT: On or about February 14 and April 10, 1944, from El Reno, Okla.

PRODUCT: 110 bags of flour at Spartanburg, S. C., in the possession of the Todd-Woolbright Co.

This product was stored, after shipment, under insanitary conditions. The building was infested with rodents, and inspection showed that all bags contained urine stains. Examination confirmed the presence of urine in the product.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: August 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as feed for livestock.

6035. Adulteration of phosphated flour and plain flour. U. S. v. 76 Bags of Plain Flour (and 2 other seizure actions against phosphated flour). Decrees of condemnation. Two lots ordered released under bond; 1 lot ordered destroyed. (F. D. C. Nos. 12824, 13253, 13688. Sample Nos. 61717-F, 80572-F, 80573-F, 90314-F, 90315-F.)

LIBELS FILED: From on or about June 29 to September 18, 1944, Eastern District of Arkansas, Eastern District of Louisiana, and Northern District of Iowa.

ALLEGED SHIPMENT: From on or about April 17 to May 3, 1944, by the Acme Flour Mills Co., Oklahoma City, Okla.

PRODUCT: 190 50-pound bags and 230 25-pound bags of phosphated flour at Brinkley, Ark; 121 50-pound sacks of phosphated flour at Ashdown, Ark; and 76 100-pound bags of plain flour at New Orleans, La.

LABEL, IN PART: "Jingle Bells Phosphated Bleached Flour," "The Magic Miller's Best * * * Bleach Phosphated Flour," or "Tiger * * * Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of weevils larvae, pupae, cast skins, insects, and insect fragments.

DISPOSITION: Between August 25 and October 10, 1944. The Plunkett-Jarrell Grocery Co., Ashdown, Ark., claimant for the Ashdown lot, and A. C. Huddleston & Co., Brinkley, Ark., claimant for the Brinkley lot, having admitted the material allegations of the libels, judgments of condemnation were entered and those lots were ordered released under bond, conditioned that they be denatured under the supervision of the Food and Drug Administration. No claimant having appeared for the New Orleans lot, judgment of condemnation was entered and that lot was ordered destroyed.

6036. Adulteration of phosphated and self-rising flour. U. S. v. 414 Sacks and 429 Bags of Flour. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 12933, 13068. Sample Nos. 72582-F, 80190-F to 80192-F, incl.)

LIBELS FILED: July 14 and 29, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about April 20 and June 17, 1944, by the Nebraska Consolidated Mills from Fremont and Grand Island, Nebr.

PRODUCT: 252 sacks, each containing 25 pounds, 92 sacks, each containing 25 pounds, 70 sacks, each containing 50 pounds, and 429 bags, each containing 25 pounds, of flour at Memphis, Tenn.

LABEL, IN PART: (Sacks) "Queen Quality Bleached Flour Made from Selected Hard Wheat * * * Hastings Mills Manufacturer Hastings, Nebraska Self Rising [or "Phosphated"] White Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of filthy substances by reason of the presence of insects, insect fragments, and larvae.

DISPOSITION: August 17, 1944. The Nebraska Consolidated Mills, Omaha, Nebr., claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond for conversion into animal or stock feed under the supervision of the Food and Drug Administration.

6037. Adulteration of self-rising and phosphated flour. U. S. v. 760 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for denaturing for use as animal feed. (F. D. C. No. 12639. Sample Nos. 63264-F, 63265-F.)

LIBEL FILED: June 7, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about May 16, 1944, from Atlanta, Ga., by the Puritan Mills.

PRODUCT: 160 10-pound bags, 270 25-pound bags, 19 50-pound bags, and 10 100-pound bags of self-rising flour, and 100 10-pound bags, 180 25-pound bags, 15 50-pound bags, and 6 100-pound bags of phosphated flour at Gastonia, N. C.

LABEL, IN PART: "Dixie Cream Self-Rising Bleached Wheat Flour," or "Dixie Cream Bleached Phosphated Flour."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments in the wheat flour, and insect fragments and fragments resembling rodent and cat hairs in the phosphated flour; and, Section 402 (a) (4), it had

been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 7, 1944. Puritan Mills, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for denaturing and disposition as animal feed, under the supervision of the Food and Drug Administration.

6038. Adulteration of rye, rye graham, and buckwheat flour. U. S. v. 135 Sacks, 307 Sacks, and 207 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for reconditioning and relabeling. (F. D. C. No. 12344. Sample Nos. 80212-F to 80214-F, incl.)

LIBEL FILED: May 9, 1944, Southern District of Iowa.

ALLEGED SHIPMENT: On or about November 27, 1943, and January 15, 1944, from New Ulm, Minn., and Janesville, Wis.

PRODUCT: 649 sacks of flour at Des Moines, Iowa, in possession of the Beaver Valley Milling Co., Division of Inland Mills, Inc.

This product was stored under insanitary conditions. The bags had been torn by rodents, and contained rodent excreta and urine stains. Examination of samples showed that the article contained rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: On June 14, 1944, Inland Mills, Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning and relabeling under the supervision of the Food and Drug Administration. The product was converted into animal feed.

6039. Adulteration of whole wheat flour. U. S. v. 60 Bags of Whole Wheat Flour. Consent decree of condemnation. Product ordered released under bond to be converted into stock feed. (F. D. C. No. 12846. Sample No. 68033-F.)

LIBEL FILED: July 1, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 27, 1944, by the Larabee Flour Mills Co., North Kansas City, Mo.

PRODUCT: 60 bags, each containing 100 pounds, of whole wheat flour.

LABEL, IN PART: (Bag) "Larabee's Whole Wheat Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect fragments.

DISPOSITION: July 28, 1944. The Commander Larabee Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed by mixing with other ingredients, under the supervision of the Food and Drug Administration.

6040. Adulteration of cake and pastry flour, self-rising flour, phosphated flour, and plain flour. U. S. v. 300 Bags and 255 Bags of Flour. Default decrees of condemnation. One portion ordered delivered to a Federal institution, for use as feed for livestock; remainder ordered destroyed. (F. D. C. Nos. 12664, 12909. Sample Nos. 35081-F, 63488-F to 63491-F, incl.)

LIBELS FILED: On or about June 12 and July 17, 1944, Western District of South Carolina and Northern District of Georgia.

ALLEGED SHIPMENT: Between November 19, 1943, and May 10, 1944, by J. Allen Smith & Co., from Knoxville, Tenn.

PRODUCT: 300 bags of flour at Greenville, S. C., and 68 bags, each containing 25 pounds, and 187 bags, each containing 50 pounds, of flour at Toccoa, Ga.

LABEL, IN PART: (Bags) "Jasco Cake and Pastry Flour," "Red Head Phosphated Flour," "Sun. Mon. Tues. Wed. Thurs. Fri. Sat. Every Day Self-Rising Flour," "Gold-Eagle Self-Rising Flour," or "Enriched with Vitamins & Minerals New Kansas Winter Wheat Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following: Weevils, larvae, insect fragments, and cast skins.

DISPOSITION: August 8 and 22, 1944. No claimant having appeared, judgments of condemnation were entered. One portion of the product was ordered delivered to a Federal institution for use as feed for livestock, and the remainder was ordered destroyed.

6041. Adulteration of pastry flour. U. S. v. 250 Bags of Pastry Flour. Default decree of condemnation and destruction. (F. D. C. No. 12657. Sample No. 75826-F.)

LABEL FILED: June 9, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about July 23 and 28, 1943, from Chicago, Ill.

PRODUCT: 250 100-pound bags of pastry flour in possession of Continental Foods, Inc., Albion, N. Y.

This flour was stored under insanitary conditions after shipment. Some of the bags had been gnawed by rodents, and rodent pellets and urine stains were found on the bags. Examination showed that the product contained rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6042. Adulteration of cake flour. U. S. v. 40 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 12500. Sample No. 75339-F.)

LABEL FILED: June 5, 1944, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about March 23, 1944, by the Standard Milling Co., from Kansas City, Kans.

PRODUCT: Flour, 40 bags, each containing 100 pounds, at Wheeling, W. Va.

LABEL IN PART: (Bags) "Finetex Cake Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, and cast skins.

DISPOSITION: September 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6043. Adulteration of durum and cake flour. U. S. v. 39 Bags of Flour (and 2 other seizure actions against flour). Decrees of condemnation. Portion of product ordered released under bond to be denatured for use as poultry or livestock feed; remainder ordered destroyed. (F. D. C. No. 12865, 12877, 13008. Sample Nos. 35286-F, 60939-F, 61781-F.)

LABELS FILED: July 6 and 22, 1944, Eastern District of Louisiana and Southern District of Florida.

ALLEGED SHIPMENT: On or about January 4, March 10, and May 2, 1944, by the Pillsbury Flour Mills Co., from Memphis, Tenn., and Springfield, Ill.

PRODUCT: 39 bags of flour at New Orleans, La., 40 sacks at Baton Rouge, La., and 51 bags at Tampa, Fla., each containing 100 pounds.

LABEL, IN PART: "Pillsbury's Fancy Durum Patent Flour," "Prairie Rose Flour Cake Bleached," "Jacks Cookie Company Tampa, Florida," or "Jacks Cookie Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following: Beetles, larvae, cast skins, webbing, insects, insect fragments, and weevils.

DISPOSITION: August 17, 1944. Leon J. Bishop, doing business as Jack's Cookie Co., claimant for the lot at Tampa, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as poultry or livestock feed, under the supervision of the Food and Drug Administration. On August 25, 1944, no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered destroyed.

6044. Adulteration of pie flour. U. S. v. 21 Bags of Pie Flour. Default decree of condemnation and destruction. (F. D. C. No. 12931. Sample No. 68047-F.)

LABEL FILED: July 13, 1944, Southern District of Indiana.

ALLEGED SHIPMENT: On or about December 29, 1943, from Chicago, Ill.

PRODUCT: 21 100-pound bags of pie flour at Evansville, Ind. in possession of the Charles W. Brizius Co., Inc.

The flour was stored under insanitary conditions after shipment. Some of the bags had been gnawed by rodents and contained rodent excreta and urine stains. Examination of a sample showed that the product contained rodent excreta, rodent hairs, weevils, larvae, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6045. Adulteration of biscuit, pastry, and plain flour. U. S. v. 108 Bags and 10 Bags of Flour. Consent decrees of condemnation. Product ordered released under bond for conversion into material for use as hog feed. (F. D. C. Nos. 12868, 12880. Sample Nos. 72553-F, 72554-F, 80183-F.)

LIBELS FILED: July 6 and 7, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about March 17 and April 6 and 20, 1944, by the Fredericktown Milling Co., from Fredericktown, Mo.

PRODUCT: 128 100-pound bags of flour at Memphis, Tenn.

LABEL, IN PART: "Solite Fine Quality Biscuit Flour Packed For Bluff City Flour Co., Memphis, Tenn.," or "Bleached Calcium Phosphate Added Baking Quality Guaranteed May Rose Flour Biscuit & Fancy Pastry Patent," or "Bleached * * * Patent Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, insect fragments, and cast skins.

DISPOSITION: July 24, 1944. Anderson E. Grissom, Memphis, Tenn., doing business as the Bluff City Flour Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for conversion into material for use as hog feed, under the supervision of the Federal Security Agency.

6046. Adulteration of Royal Creme Fluff (cake mix) and doughnut flour. U. S. v. 20 Bags of Royal Creme Fluff and 9 Bags of Doughnut Flour. Default decree of condemnation and destruction. (F. D. C. No. 12813. Sample Nos. 78310-F, 78311-F.)

LABEL FILED: June 27, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 28 and June 6, 1944 from Baltimore, Md., by H. M. Wagner & Co., Inc.

PRODUCT: 20 bags, each containing 100 pounds, of Royal Creme Fluff and 9 bags, each containing 100 pounds, of doughnut flour.

LABEL, IN PART: "H. M. Wagner's Royal Creme Fluff," and "H. M. Wagner's Doughnut Flour."

VIOLATION CHARGED: Adulteration. Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence therein of insect fragments, rodent hair fragments, and fragments resembling rodent hairs (in 20 bags), and insect fragments, larvae, cast skins, and rodent hair fragments (in 9 bags).

DISPOSITION: July 19, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

6047. Adulteration of durum flour. U. S. v. 165 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12881. Sample No. 80182-F.)

LABEL FILED: July 6, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about January 31, 1944, from Minneapolis, Minn.

PRODUCT: 165 bags, each containing 100 pounds, of flour at Memphis, Tenn., in the possession of the Dan Perkins Co.

This product had been stored, after shipment, under insanitary conditions. The bags contained rodent pellets and urine stains, and examination disclosed the presence of rodent excreta, rodent hairs, insects, and insect fragments in the product.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances; and Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: August 23, 1944. The Dan Perkins Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into material for use as hog or stock feed, under the supervision of the Food and Drug Administration.

6048. Adulteration of gelatinized corn flour. U. S. v. 97 Bags of a Corn Product. Consent decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of the unfit portion. (F. D. C. No. 12704. Sample No. 72767-F.)

LIBEL FILED: June 19, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 23, 1943, from Omaha, Nebr.

PRODUCT: 97 140-pound bags of a corn product (gelatinized corn flour) in the possession of the Rose Warehouse Co., Memphis, Tenn.

This product was stored, after shipment, under insanitary conditions. Some of the bags had been tunneled by rodents and contained rodent excreta. Examination showed that the product contained rodent excreta, rodent hairs, and some hard, moldy masses of flour.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 25, 1944. Griffith Laboratories, Chicago, Ill., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond for the segregation and destruction or denaturing of the unfit portion for use as animal feed, under the supervision of the Federal Security Agency.

6049. Adulteration of graham flour. U. S. v. 250 Bags of Graham Flour. Product ordered released under bond to be sold as animal food. (F. D. C. No. 12335. Sample No. 69896-F.)

LIBEL FILED: May 10, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about February 17, 1944, by the National Biscuit Co., from Carthage, Mo.

PRODUCT: 250 98-pound bags of graham flour at Denver, Colo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, whole larvae, larvae heads, and pupae.

DISPOSITION: June 24, 1944. In accordance with an agreement between the Government and claimant, the product was ordered released under bond to be sold as animal food, under the supervision of the Food and Drug Administration.

6050. Adulteration of malted wheat flour. U. S. v. 36 Sacks of Malted Wheat Flour. Default decree of condemnation and destruction. (F. D. C. No. 12724. Sample No. 69685-F.)

LIBEL FILED: On or about July 3, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about June 23, 1943, by the Kansas Milling Co., Wichita, Kans.

PRODUCT: 36 sacks, each containing 100 pounds, of malted wheat flour at Hereford, Tex.

LABEL, IN PART: (Sacks) "Full-Strength Tolerance Tested Malted Wheat Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, larvae casts, pupae, and insect fragments.

DISPOSITION: August 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6051. Adulteration of rice flour. U. S. v. 4 Bags of Rice Flour. Default decree of condemnation and destruction. (F. D. C. No. 12268. Sample No. 67527-F.)

LIBEL FILED: April 26, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 26, 1943, by the Stein-Hall Manufacturing Co., Chicago, Ill.

PRODUCT: 4 bags of rice flour at Cincinnati, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: June 10, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was converted into hog feed by mixing with other ingredients.

6052. Adulteration of rye flour. U. S. v. 289 Sacks of Rye Flour. Consent decree of condemnation. Product ordered released under bond to be mixed with other material and used as animal feed. (F. D. C. No. 12433. Sample No. 68939-F.)

LIBEL FILED: May 26, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about January 15, 1944, by Frank H. Blodgett, Inc., Janesville, Wis.

PRODUCT: 289 100-pound sacks of rye flour at Denver, Colo.

LABEL, IN PART: "Rock River Pure Rye."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence therein of insect fragments, rodent excreta fragments, and rodent hairs.

DISPOSITION: July 22, 1944. Frank H. Blodgett, Inc., having appeared as claimant and having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be mixed with other ingredients and used as livestock feed, under the supervision of the Food and Drug Administration.

6053. Adulteration of plain flour and adulteration and misbranding of enriched, self-rising flour. U. S. v. 135 Sacks of Plain Flour and 50 Sacks of Enriched Self-Rising Flour. Decrees of condemnation. Portion ordered released under bond; remainder ordered delivered to charitable institution. (F. D. C. Nos. 12937, 13242. Sample Nos. 61235-F, 80571-F.)

LIBELS FILED: July 15 and August 15, 1944, Northern District of Alabama and Western District of Arkansas.

ALLEGED SHIPMENT: From on or about March 25 to May 23, 1944, by the William Kelly Milling Co., Hutchinson, Kans.

PRODUCT: 135 50-pound sacks of plain flour at Ashdown, Ark., and 50 50-pound sacks of enriched, self-rising flour at Anniston, Ala.

LABEL, IN PART: (Sacks) "The Magic Miller's Best * * * Bleached Flour," or "Kelly's Sno-Lady Flour Enriched Self-Rising Flour."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), (Ashdown lot) this portion of the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, pupae, cast skins, and insect fragments; and, Section 402 (b) (1), (Anniston lot), valuable constituents, thiamine (vitamin B₁) and iron, had been in part omitted from the article.

Misbranding (Anniston lot), Section 403 (g) (1), the article purported to be and was represented as enriched, self-rising flour, a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to that definition and standard since the standard requires that enriched, self-rising flour shall contain, in each pound, not less than 2.0 milligrams of thiamine (vitamin B₁), and not less than 13.0 milligrams of iron per pound, but the article contained approximately 0.43 milligrams of thiamine (vitamin B₁) and 8.76 milligrams of iron per pound; and, Section 403 (a), the statement "Enriched Self-Rising Flour" was false and misleading.

DISPOSITION: Between August 28 and October 10, 1944. Plunkett-Jarrell Grocer Co., Ashdown, Ark., claimant for the Ashdown lot, having admitted the allegation of adulteration, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration. No claimant having appeared for the Anniston lot, it was ordered delivered to a charitable institution.

6054. Adulteration and misbranding of enriched flour. U. S. v. 100 Sacks of Flour. Decree of condemnation. Product ordered released under bond for denaturing, or for disposition as stock or poultry feed. (F. D. C. No. 12715. Sample No. 41484-F.)

LIBEL FILED: June 21, 1944, Southern District of Texas.

ALLEGED SHIPMENT: On or about May 9, 1944, by the Flour Mills of America, Inc., from Alva, Okla.

PRODUCT: 100 sacks, each containing 100 pounds, of flour at Houston, Tex.

LABEL, IN PART: "Enriched Flour * * * Honey Bee Flour."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, thiamine (vitamin B₁) and iron, had been in part omitted.

Misbranding, Section 403 (g), the product was represented as enriched flour, a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to the definition and standard, which requires that enriched flour shall contain, in each pound, not less than 2.0 milligrams of thiamine and not less than 13.0 milligrams of iron, since it contained approximately 1.50 milligrams of thiamine and 11.1 milligrams of iron per pound.

DISPOSITION: July 20, 1944. Alva Roller Mills, doing business as the Flour Mills of America, claimant, having admitted the allegation of adulteration, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured, or that it be sold or otherwise disposed of as stock or poultry feed under the supervision of the Food and Drug Administration.

MISCELLANEOUS CEREAL PRODUCTS*

6055. Adulteration of cereal binder. U. S. v. 20 Bags of Cereal Binder. Consent decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of the unfit portion. (F. D. C. No. 12726. Sample No. 72768-F.)

LIBEL FILED: June 21, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about April 15, 1944, from Faribault, Minn.

PRODUCT: 20 140-pound bags of cereal binder in possession of the Rose Warehouse Co., Memphis, Tenn.

This product was stored, after shipment, under insanitary conditions. The bags had been gnawed by rodents, and rodent pellets were found on the bags and in the product. A sample of the product was found to contain rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 25, 1944. The Griffith Laboratories, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated, under the supervision of the Federal Security Agency, and disposed of as hog or stock feed.

6056. Adulteration of popcorn. U. S. v. 101 Bags of Pop Corn. Consent decree of condemnation. Product ordered released under bond to be salvaged by cleaning. (F. D. C. No. 12700. Sample No. 68309-F.)

LIBEL FILED: June 17, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 27, 1944, by J. B. Robinson, Odebolt, Iowa.

PRODUCT: 101 bags, each containing approximately 100 pounds, of popcorn, at Cleveland, Ohio.

LABEL, IN PART: (Bags) "Royale Pride of Henderson Reg. Pop Corn Large Yellow S. American."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: August 14, 1944. J. B. Robinson, Cleveland, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be cleaned and

*See also Nos. 6016, 6194.

washed, followed by a proper drying process, under the supervision of the Food and Drug Administration.

6057. Adulteration of popcorn. U. S. v. 720 Bags of Popcorn. Consent decree of condemnation. Product ordered released under bond for cleaning. (F. D. C. No. 12815. Sample No. 72552-F.)

LIBEL FILED: July 1, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about June 6, 1944, by G. C. Atkins, from West Terre Haute, Ind.

PRODUCT: 720 100-pound bags of popcorn at Memphis, Tenn.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance since it contained rodent excreta.

DISPOSITION: July 7, 1944. G. C. Atkins, Dallas, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law by cleaning, under the supervision of the Federal Security Agency.

6058. Adulteration of popcorn. U. S. v. 27 Burlap Bags of Unpopped Popcorn. Default decree of condemnation and destruction. (F. D. C. No. 11745. Sample No. 30052-F.)

LIBEL FILED: February 15, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about March 11, 1943, by the Armstrong Popcorn Co., from Lake View, Iowa.

PRODUCT: 27 burlap bags, each containing approximately 100 pounds, of unpopped popcorn.

LABEL, IN PART: "Manley's Best Popcorn."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence in it of larvae, insect excreta, and webbing.

DISPOSITION: June 28, 1944. No claimant having appeared, the product was condemned and ordered destroyed.

6059. Adulteration of Meatex Wheat Endosperm (cereal product). U. S. v. 125 Bags of Meatex Wheat Endosperm. Consent decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of unfit portion. (F. D. C. No. 12878. Sample No. 72555-F.)

LIBEL FILED: July 6, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about March 15, 1944, from Hawthorne, Ill.

PRODUCT: 125 bags, each containing 100 pounds, of Meatex Wheat Endosperm at Memphis, Tenn., in the possession of the Packers Supply Co.

This product had been stored, after shipment, under insanitary conditions. Many of the bags had been cut by rodents, and the surface of the bags and the floor surrounding the lot were covered with the spilled cereal, paper cuttings, and rodent excreta. Examination showed that the product contained rodent excreta, rodent hairs, insects, larvae, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of filthy substances; and, Section 402 (a) (4), in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 19, 1944. S. D. Hofman, trading as the Packers Supply Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the segregation and destruction, or denaturing for stock feed, of the unfit portion, under the supervision of the Food and Drug Administration.

6060. Adulteration of yellow soy beans. U. S. v. 92 Bags of Yellow Soy Beans. Default decree of condemnation and destruction. (F. D. C. No. 12317. Sample No. 60375-F.)

LIBEL FILED: May 5, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about August 2, 1941, from Norfolk, Va.

PRODUCT: 92 bags of yellow soy beans at San Francisco, Calif., in possession of the Sea Wall Warehouse Co.

The product had been stored under insanitary conditions after shipment in interstate commerce. Rodent excreta was found on and surrounding the sacks

and some of the bags had been torn. Examination of samples showed that the product contained rodent excreta, floor sweepings, larvae, and webbing.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: On or about June 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6061. Adulteration of soya grits. U. S. v. 28 Bags of Alsoy (Coarse Grits). Default decree of condemnation. Product ordered delivered for use of the National Zoological Park. (F. D. C. No. 11543. Sample No. 58527-F.)

LABEL FILED: December 30, 1943, District of Columbia.

ALLEGED SHIPMENT: On or about March 22, 1943, by the Soya Corporation of America, from Hagerstown, Md.

PRODUCT: 28 bags of soya grits, at Washington, D. C.

LABEL, IN PART: (Tag) "Sycora Brand (Patented Process) Alsoy (Coarse Grits)."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, insect excreta, and webbing.

DISPOSITION: June 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered for the use of the National Zoological Park.

6062. Adulteration of soya products. U. S. v. 150 Bags and 72 Bags of Alsoy and 300 Bags of Cured Soya Beans. Consent decree of condemnation. Products ordered released under bond for conversion into animal feed. Decree amended to provide for delivery of portion of products for use of the National Zoological Park. (F. D. C. No. 11545. Sample Nos. 58703-F to 58705-F, incl.)

LABEL FILED: December 30, 1943, District of Columbia.

ALLEGED SHIPMENT: On or about March 25, 1943, from Hagerstown, Md.

PRODUCT: 150 bags of Alsoy (coarse grits), 300 bags of cured soya beans, and 72 bags of Alsoy (fine grits), at Washington, D. C., in possession of the Terminal Refrigerating and Warehouse Corporation.

These products were stored, after shipment, under insanitary conditions. The bags had been gnawed by rodents, and rodent pellets and urine stains were found on the bags. Examination of samples showed that the products contained rodent hairs, insect fragments, insect excreta, and larvae, and that one lot also contained rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: June 12, 1944. The Welfare & Recreational Association of Public Buildings and Grounds, Inc., Washington, D. C., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond to be denatured and converted into feed for animals, under the supervision of the Food and Drug Administration. On July 11, 1944, an amended decree was entered with the consent of the claimant, ordering that 16 bags of Alsoy (coarse grits) which had been overlooked when the products were released to the claimant be delivered for the use of the National Zoological Park.

6063. Adulteration of rice and soya beans. U. S. v. 17 Bags of Rice and 25 Bags of Soya Beans. Default decree of condemnation. Product ordered delivered to the National Zoological Park. (F. D. C. No. 12326. Sample Nos. 79511-F, 79512-F.)

LABEL FILED: May 4, 1944, District of Columbia.

PRODUCT: 17 100-pound bags of rice and 25 bags of soya beans at Washington, D. C., in possession of Mee Wah Lung.

The articles were stored in a heavily rodent-infested room. The bags were torn and urine-stained, and the products had spilled from the bags and were mixed with rodent excreta. Examination of samples showed that the articles contained rodent excreta, rodent hairs, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: June 27, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to the National Zoological Park.

6064. Adulteration of rice. U. S. v. 42 Bags of Rice. Default decree of condemnation. Product ordered delivered to the National Zoological Park for use as animal feed. (F. D. C. No. 12170. Sample No. 58777-F.)

LIBEL FILED: April 11, 1944, District of Columbia.

PRODUCT: 42 bags, each containing 100 pounds, of rice at Washington, D. C., in possession of Tuck Cheong & Co.

This product was stored, after shipment, under insanitary conditions. The bags had been cut by rodents and contained nesting material, rodent excreta, and urine stains. Samples of the rice examined contained rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: June 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park for its use and not for sale.

6065. Adulteration of rice. U. S. v. 58 Bags of Rice. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 12405. Sample No. 13320-F.)

LIBEL FILED: May 20, 1944, District of Idaho.

ALLEGED SHIPMENT: On or about January 11, 1944, from Sacramento, Calif.

PRODUCT: 58 100-pound bags of rice in possession of the Pacific Fruit & Produce Co., Boise, Idaho.

This product had been stored, after shipment, under insanitary conditions. The bags contained rodent-chewed holes, rodent excreta, and urine stains. Several mouse nests were found in the stack. Examination disclosed the presence of rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: August 2, 1944. The Pacific Fruit and Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the segregation of the good portion from the bad, under the supervision of the Federal Security Agency, and the destruction of the unfit portion.

CHOCOLATE, SUGARS, AND RELATED PRODUCTS *

CANDY

6066. Adulteration of candy. U. S. v. 250 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 12072. Sample No. 70613-F.)

LIBEL FILED: March 30, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about February 25, 1944, by the Sanitary Automatic Candy Co., for the Surprise Candy Co., from New York, N. Y.

PRODUCT: Candy, 250 boxes, each containing 48 bars, at Seattle, Wash.

LABEL, IN PART: (Bar wrapper) "Surprise Hy-Bar Made of Chocolate and Peanuts."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

* See also Nos. 6177, 6194.

6067. Adulteration of candy U. S. v. 322 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 12048. Sample No. 66156-F.)

LIBEL FILED: March 27, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about January 21, 1944, by the Surprise Candy Co., from New York, N. Y.

PRODUCT: 322 boxes, each containing 48 bars, of candy at Newark, N. J.

LABEL, IN PART: (Bar wrapper) "Surprise Hy-Bar Made of Chocolate and Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), in that the product was unfit for food because of grittiness resulting from the presence of ground stones.

DISPOSITION: August 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6068. Adulteration of candy. U. S. v. 82 Packages of Candy (and 2 other seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 12150, 12359, 12417. Sample Nos. 71603-F, 71613-F, 71620-F.)

LIBELS FILED: Between April 11 and May 31, 1944, Western District of Washington.

ALLEGED SHIPMENT: From on or about March 9 to 21, 1944, by the Jan Edwards Candy Co., from Los Angeles, Calif.

PRODUCT: Candy: 124 1-pound packages at Everett, Wash., 295 1-pound packages at Seattle, Wash.

LABEL, IN PART: (Packages) "Mein Knuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, cat hairs, and insect fragments.

DISPOSITION: September 16, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6069. Adulteration of candy. U. S. v. 86 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. Nos. 12199, 12200. Sample Nos. 55841-F to 55843-F, incl., 71209-F.)

LIBEL FILED: April 29, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about March 4, 1944, by Blum's, San Francisco, Calif.

PRODUCT: 86 boxes of candy at Fort Stevens and Camp Abbott, Oreg.

LABEL, IN PART: "Made Exclusively For the U. S. Armed Forces by Blum's," "Our Own Special Assortment by Blum's," or "Your Own Special Selection by Blum's."

VIOLATIONS CHARGED: Adulteration, Sections 402 (a) (3), the candy consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: June 16, 1944. A default decree of condemnation and destruction was entered.

6070. Adulteration of candy. U. S. v. 25 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 12220. Sample Nos. 79344-F to 79346-F, incl.)

LIBEL FILED: April 28, 1944, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about March 22, 1944, by Russell Mansfield, from Richmond, Va.

PRODUCT: 75 boxes of candy at Rocky Mount, N. C.

LABEL, IN PART: (Boxes) "32 Count Peanut [for "Chocolate," or "Fudge"]," (bar wrapper or bar) "Nuffed 5¢ * * * Harris Candy Co., Richmond, Va.," or (bar) "Fudge Bar * * * Harris Candy Co."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: June 10, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6071. Adulteration and misbranding of candy. U. S. v. 115 Cartons of Assorted Toffees. Decree of condemnation and destruction. (F. D. C. No. 11110. Sample No. 57352-F.)

LIBEL FILED: November 15, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about October 28, 1943, by Harry Sagel, Wildwood, N. J.

PRODUCT: 115 cartons, each containing 22 boxes, of candy, at New York, N. Y.

LABEL, IN PART: "Morris Brand Assorted Toffees One Pound Net * * * Imported Delicacies Co. Importers—Distributors, New York, N. Y."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product contained insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have been contaminated with filth.

Misbranding, Section 403 (a), the statement "One Pound Net," appearing in the labeling, was false and misleading as applied to an article that was short weight; and, Section 403 (e) (2), the package failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: June 9, 1944. A claim having been withdrawn, judgment of condemnation was entered and the product was ordered destroyed.

6072. Adulteration and misbranding of candy. U. S. v. 49 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 12324. Sample No. 60539-F.)

LIBEL FILED: May 8, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about March 3, 1944, by the Marzipan Candy Co., from Chicago, Ill.

PRODUCT: 49 cartons, each containing 24 bars, of candy at San Francisco, Calif.

Examination showed that this product contained little or no hazelnuts, and had a strong taste and flavor of benzaldehyde, an artificial flavor. All of the mandatory information was printed in a color which failed to contrast sufficiently with the background of the wrapper to make the statements conspicuous. The net weight statement appeared in small type at the end of the bar and was almost illegible. The name and address of the manufacturer and the statement of ingredients were invisible, since the printed portion of the wrapper was folded on the inside.

LABEL, IN PART: (Bar wrapper) "Hazelnut Bar * * * Ingredients: Hazelnuts—Chocolate Sugar & Syrup."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a substance which contained little or no hazelnuts had been substituted for "Hazelnut Bar," which the article was represented to be.

Misbranding, Section 403 (a), the statement "Hazelnut Bar" was false and misleading as applied to an article which contained little or no hazelnuts; Section 403 (f), the name and place of business of the manufacturer, packer, or distributor, the statement of the quantity of the contents, and the list of ingredients, required by law to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices on the label) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use; and, Section 403 (k), the product contained artificial flavoring and failed to bear labeling which stated that fact.

DISPOSITION: August 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6073. Misbranding of candy. U. S. v. 365 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 12241. Sample No. 76928-F.)

LIBEL FILED: April 16, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about March 7, 1944, by the Surprise Candy Co., from New York, N. Y.

PRODUCT: 365 boxes, each containing 48 bars, of candy, at Newark, N. J.

LABEL, IN PART: "Surprise Hy-Bar * * * Net Wt. 1 Oz."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Net Wt. 1 Oz." was false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: June 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6074. Misbranding of candy. U. S. v. 45 Boxes of J&J Peanut Bar and 40 Boxes of Cocoanut Roll. Default decree of condemnation. Prodnct ordered delivered to a charitable institution. (F. D. C. No. 12446. Sample Nos. 35974-F, 35975-F.)

LABEL FILED: June 7, 1944, Northern District of Alabama.

ALLEGED SHIPMENT: On or about April 26, 1944, by the J & J Candy Co., Charlotte, N. C.

PRODUCT: A total of 85 boxes, each containing 30 bars, of candy at Gadsden, Ala.

VIOLATION CHARGED: Misbranding, Section 403 (a), in that the name "Peanut Bar" was misleading since the article contained puffed wheat in addition to peanuts; and in that the name "Cocoanut Roll" was misleading since the article contained corn flakes in addition to coconut.

DISPOSITION: July 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

6075. Misbranding of candy. U. S. v. 14 Cartons of Candy. Default decree of condemnation. Prodnct ordered distributed to various charitable institutions. (F. D. C. No. 12886. Sample No. 33878-F.)

LABEL FILED: July 5, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about June 12, 1944, by the Charms Sales Co., from Bloomfield, N. J.

PRODUCT: 14 cartons, each containing 288 boxes, of candy at Buffalo, N. Y.

LABEL, IN PART: (Boxes) "Net Wgt. 1½ Oz. Charms Assorted Candy Drops."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Net Wgt. 1½ Oz." was false and misleading as applied to an article that was short weight; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to various charitable institutions.

COCOA

6076. Adulteration of cocoa substitute. U. S. v. 63 Bags of Cocoa Substitute. Default decree of condemnation and destruction. (F. D. C. No. 12712. Sample No. 71265-F.)

LABEL FILED: June 20, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about May 6, 1943, by J. B. Robinson, from Cleveland, Ohio.

PRODUCT: 63 bags, each containing 24 1-pound bags, of cocoa substitute at Salem, Oreg.

LABEL, IN PART: (Packages) "Drink Robinson's Fine Breakfast Cocoa Substitute."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and fragments resembling rodent hairs.

DISPOSITION: August 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6077. Adulteration and misbranding of cocoa. U. S. v. 12 Barrels of "Cocoa Blend," and 20 Bags of "Blend Cocoa." Default decree of condemnation and destrnction. (F. D. C. No. 11797. Sample Nos. 49425-F, 49426-F.)

LABEL FILED: February 12, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: December 28, 1943, by the Dairy and Ice Cream Supply Co., Atlanta, Ga.

PRODUCT: 12 200-pound barrels and 20 140-pound bags of cocoa, at Cincinnati, Ohio.

LABEL, IN PART: (Barrel heads) "Cocoa 200 Lbs. Net [written in indistinct blue pencil] Blend," (shipping tag attached to bags) "Blend Cocoa."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of cocoa and cocoa shells had been substituted in whole or in part for "Cocoa," "Blend Cocoa," or "Cocoa Blend," which the articles purported and were represented

to be; and, Section 402 (b) (4), cocoa shells had been added or mixed or packed with the product so as to reduce the quality and strength.

Misbranding, Section 403 (a), the statements "Cocoa Blend" and "Blend Cocoa" were false and misleading as applied to a mixture of cocoa and cocoa shells; and, Section 403 (b), the product was offered for sale under the name of another food, cocoa.

DISPOSITION: July 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SIRUP

6078. Adulteration and misbranding of imitation maple sirup. U. S. v. 47 Cases of Pancake Syrup. Default decree of condemnation and destruction. (F. D. C. No. 12851. Sample No. 74607-F.)

LIBEL FILED: July 5, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about May 12, 1944, by the Metropolitan Pool Car Associates, from New York, N. Y.

PRODUCT: 47 cases, each containing 4 jugs, of imitation maple sirup at Portland, Oreg.

The sirup had been shipped from New York to Seattle, Wash., where it arrived in a damaged condition and was reshipped by the agent of the Union Pacific Railroad Co. at Seattle to Portland, Oreg., for salvage.

LABEL, IN PART: (Jug) "Maison Royal Pancake Syrup Imitation Maple Syrup * * * Packed by Whitehall Food Manufacturing Corp. Brooklyn, New York."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance and was fermented.

Misbranding, Section 403 (a), the statement in the ingredient list on the labeling, "made from pure cane sugar sirup," was false and misleading as applied to a sugar and water solution which contained only about 57 percent sugar, whereas sugar sirup should contain not less than 65 percent sugar.

DISPOSITION: August 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6079. Adulteration and misbranding of maple sirup. U. S. v. 37 Cases and 25 Cases of Maple Syrup. Default decrees of condemnation. Product ordered delivered to local institutions. (F. D. C. Nos. 12912, 13024. Sample Nos. 76227-F, 82166-F.)

LIBELS FILED: On or about July 11 and 26, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about May 16 and 26, 1944, by the Tiffany Extract Co., Paterson, N. J.

PRODUCT: Maple sirup, 62 cases, each containing 24 bottles, at New York, N. Y.

Analysis showed that this product was a sugar sirup which contained more than 35 percent water and little or no true maple sugar or maple sirup. It had a flavor and odor similar to maple sirup.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, maple sugar or maple sap, had been in whole or in part omitted; and, Section 402 (b) (2), sugar sirup containing more than 35 percent water and little or no true maple sugar or maple sirup had been substituted for maple sirup.

Misbranding, Section 403 (a), the statement, "100% Grade A Pure Vermont Maple Syrup Sap," and the design of a maple leaf and maple trees, appearing in the labeling of the product, were false and misleading; Section 403 (c), the article was an imitation of maple sirup and its label failed to bear, in type of uniform size and prominence, the word "imitation," and, immediately thereafter, the name of the food imitated; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

DISPOSITION: August 2 and 24, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to a charitable institution and a local hospital.

6080. Adulteration and misbranding of maple sirup. U. S. v. 14 Cases of Maple Syrup. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 12913. Sample No. 50981-F.)

LABEL FILED: July 10, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 7, 1944, from New York, N. Y., by the American Roland Food Co.

PRODUCT: 14 cases, each containing 24 bottles, of maple sirup at Philadelphia, Pa.

This product was a sugar sirup that contained more than 35 percent water and little or no true maple sugar or maple sirup. It had a flavor and odor similar to maple sirup.

LABEL, IN PART: (Bottles) "100% Grade A Pure Vermont Maple Syrup Sap [design of a maple leaf and maple trees] Tiffany Extract Co. * * * Paterson, N. J."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, maple sugar or maple sap, had been in whole or in part omitted; and, Section 402 (b) (2), sugar sirup that contained more than 35 percent water and little or no true maple sugar or maple sirup had been substituted for maple sirup, which the article purported and was represented to be.

Misbranding, Section 403 (a), the statement, "100% Grade A Pure Vermont Maple Syrup Sap," and the design of a maple leaf and maple trees, were false and misleading as applied to a sugar sirup that contained more than 35 percent water and little or no true maple sugar or maple sirup; Section 403 (c), the article was an imitation of another food, maple sirup, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

DISPOSITION: August 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

6081. Adulteration and misbranding of cane and maple sirup. U. S. v. 42 Cases of Cane and Maple Syrups. Default decree of condemnation. Product ordered delivered to a local hospital. (F. D. C. No. 12773. Sample No. 58680-F.)

LABEL FILED: June 24, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about September 21, 1943, by the Southern Packing Co., from Baltimore, Md.

PRODUCT: 42 cases, each containing 4 1-gallon jugs, of cane and maple sirups, at Washington, D. C.

LABEL, IN PART: (Jugs) "Blend of cane and maple syrups."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), in that valuable constituents, cane sugar and maple sugar, had been in part omitted; Section 402 (b) (2), in that a diluted cane sugar and maple sirup had been substituted for cane and maple sirup; and, Section 402 (b) (4), in that water had been added thereto and mixed and packed therewith so as to reduce the quality and strength of the product.

Misbranding, Section 403 (a), in that the name, "Blend of Cane and Maple Syrups," was misleading as applied to a diluted cane sugar, and maple sirup; and Section 403 (b), in that the product was offered for sale under the name of another food, "maple sirup (blend of cane and maple)."

DISPOSITION: July 31, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local hospital.

6082. Adulteration and misbranding of sorghum sirup. U. S. v. 35 Pails of Syrup. Default decree of condemnation. Product distributed to charitable institutions. F. D. C. No. 12197. Sample No. 57843-F.)

LABEL FILED: April 17, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about November 2, 1943, by E. E. Kerr, Sulphur Springs, Tex.

PRODUCT: 35 pails of sirup at Colorado Springs, Colo.

LABEL, IN PART: "East Texas Pure Sorghum Syrup. Made for and sold by Kerr Bros., Sulphur Springs Texas."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), sorghum sirup and glucose had been substituted for pure sorghum sirup, which the article purported to be; and, Section 402 (b) (4), glucose had been added or mixed therewith so as to reduce the quality or strength of the product.

Misbranding, Section 403 (a), the statement, "Pure Sorghum Syrup Nothing Added, Nothing Taken From, Whole and Pure," was false and misleading as applied to an article containing glucose, and the statement, "Net Contents: 3 Quarts, 1 Pint, 6 Fluid Ounces," was false and misleading as applied to an article that was short volume; Section 403 (b), the article was offered for sale under the name of another food; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: June 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

6083. Misbranding of imitation maple sirup. U. S. v. 149 Cases of Syrup. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 12400. Sample No. 75301-F.)

LIBEL FILED: May 17, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 28, 1944, by the Ol' South Extract Co., from Rochester, N. Y.

PRODUCT: 149 cases, each containing 24 bottles, of sirup at Sharon, Pa.

This product was an artificially flavored and colored sugar and glucose sirup; and it contained no maple sugar or maple sirup, but simulated the flavor and appearance of maple sirup.

LABEL, IN PART: (Bottles) "Ol' South Pancake Syrup * * * Contains Cane Sugar, Imitation Maple Flavor, Added Color, Water."

VIOLATIONS CHARGED: Misbranding, Section 403 (c), in that the article was an imitation of another food, maple sirup, and its label failed to bear, in type of uniform size and prominence, the word "Imitation" and, immediately thereafter, the name of the food imitated; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient since glucose was not declared.

DISPOSITION: August 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

SUGAR

6084. Adulteration of sugar. U. S. v. 6 Bags and 30 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond for refining and recrystallization. (F. D. C. No. 12751. Sample Nos. 72546-F, 72547-F.)

LIBEL FILED: July 7, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about February 3 and March 28, 1944, from New Orleans, La.

PRODUCT: 36 100-pound bags of sugar in the possession of McKesson & Robbins, Inc., Memphis, Tenn.

This product was stored, after shipment, under insanitary conditions. Rodent pellets and urine stains were found on the bags, and examination showed that the product had been contaminated with rodent urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 12, 1944. McKesson & Robbins, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for refining and recrystallization under the supervision of the Federal Security Agency.

6085. Adulteration of sugar. U. S. v. 63 Bags of Sugar. Decree of condemnation. Product ordered released under bond for segregation and denaturing of the unfit portion. (F. D. C. No. 12711. Sample No. 67592-F.)

LIBEL FILED: June 19, 1944, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about September 24, 1943, from Tampa, Fla.

PRODUCT: 63 100-pound bags of sugar, in possession of the Duling Brothers Co., Ashland, Ky.

This product was stored, after shipment, under insanitary conditions. Some of the bags contained rodent-gnawed holes, and rodent pellets and urine stains were found on the bags. Examination showed that the product contained beetles, and confirmed the presence of urine in the sugar.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 14, 1944. Duling Brothers Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and denaturing of the unfit portion for use as stock feed, under the supervision of the Federal Security Agency.

6086. Adulteration of sugar. U. S. v. 37 Bags of Sugar. Consent decree of condemnation. Product ordered released for refining and recrystallization. (F. D. C. No. 12649. Sample No. 72536-F.)

LIBEL FILED: June 9, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about March 3, 1944, from Reserve, La.

PRODUCT: 37 100-pound bags of sugar in possession of the United Grocery Co., Paris, Tenn.

This product was stored under insanitary conditions after shipment. The bags contained rodent pellets and urine stains. Examination of the product confirmed the presence of urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 22, 1944. United Grocery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for refining and recrystallization under the supervision of the Federal Security Agency.

DAIRY PRODUCTS

BUTTER

6087. Adulteration of butter. U. S. v. Arkansas City Cooperative Milk Association, Inc. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 12521. Sample Nos. 11537-F, 59259-F.)

INFORMATION FILED: On August 31, 1944, in the District of Kansas, against the Arkansas City Cooperative Milk Association, Inc., Arkansas City, Kans.

ALLEGED SHIPMENT: On or about August 7 and December 16, 1943, from the State of Kansas into the States of California and Illinois.

LABEL, IN PART: (Boxes) "Creamery Butter Distributed by Dauber Bros Chicago * * * Illinois."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent of the food, milk fat, had been in part omitted therefrom; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 11, 1944. A plea of guilty was entered and the defendant was fined \$100 and costs.

6088. Adulteration of butter. U. S. v. 71 Boxes of Butter. Decree of condemnation. Product ordered released for reworking, upon deposit of cash collateral. (F. D. C. No. 12783. Sample Nos. 40423-F, 52577-F.)

LIBEL FILED: May 31, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 17, 1944, by the Northwest Dairy Forwarding Co., from Minneapolis, Minn.

PRODUCT: 71 boxes, each containing 60 pounds, of butter at Somerville, Mass.

LABEL, IN PART: (Box) "Stockholm Co-op Creamery Cokato Minn," (wrapper) "Packed for First National Stores, Inc. * * * Somerville, Mass."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 14, 1944. Pipestone Produce Co., Somerville, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released, upon deposit of cash collateral, to be reworked under the supervision of the Food and Drug Administration.

6089. Adulteration of butter. U. S. v. 19 Cartons of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 12782. Sample No. 40508-F.)

LIBEL FILED: June 20, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 14, 1944, by the Sauk Lake Cooperative Creamery Association, from St. Paul, Minn.

PRODUCT: 19 62-pound cartons of butter at Philadelphia, Pa.

LABEL, IN PART: "Butter Distributed by C. G. Heyd & Co. * * * Phila. Pa"

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 30, 1944. Luther K. Heyd, Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

6090. Adulteration of butter. U. S. v. 10 Boxes and 4 Cubes of Butter. Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 12780, 13157. Sample Nos. 60435-F, 73353-F.)

LIBELS FILED: June 13 and 20, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about May 22 and June 3, 1944, by Land O'Lakes Creameries, Inc., from Minnesota Transfer, Minn.

PRODUCT: 10 boxes and 4 cubes of butter at San Francisco, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 27 and 29, 1944. Wilsey Bennett Co., San Francisco, Calif., having appeared as claimant for one portion and B. J. Holmes, trading as the B. J. Holmes Sales Co., San Francisco, Calif., having appeared as claimant for the remainder, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was subsequently reworked.

6091. Adulteration of butter. U. S. v. 12 Cubes (816 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 11714. Sample No. 65264-F.)

LIBEL FILED: December 31, 1943. District of Montana.

ALLEGED SHIPMENT: On or about November 1, 1943, by the Sheridan Creamery Co., Sheridan Wyo.

PRODUCT: 12 63-pound cubes of butter at Butte, Mont.

LABEL, IN PART: "Butter * * * Mid-Central Produce Co., Butte, Mont."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 15, 1944. The Sheridan Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

MILK AND CHEESE

6092. Adulteration of evaporated milk. U. S. v. 39 Cases of Evaporated Milk. Default decree of condemnation and destruction. (F. D. C. No. 12628. Sample No. 75227-F.)

LIBEL FILED: June 6, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about April 29, 1944, by the Borden Co., Perring-ton, Mich. •

PRODUCT: 39 cases, each containing 48 cans, of evaporated milk at Niagara Falls, N. Y.

LABEL, IN PART: "Borden's Silver Cow Pearl Brand Irradiated Evaporated Milk."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 10, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6093. Adulteration of Cheddar cheese. U. S. v. Armour & Co. of Delaware (Armour Creameries). Plea of guilty. Fine, \$250 (F. D. C. No. 10578. Sample No. 5900-F).

INFORMATION FILED: On December 7, 1943, in the Northern District of Mississippi, against Armour & Co. of Delaware, a corporation, trading as the Armour Creameries at Senatobia, Miss.

ALLEGED SHIPMENT: On or about March 31, 1943, from the State of Mississippi into the State of Tennessee.

LABEL, IN PART: (On portions) "Cloverbloom" or "Mississippi."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rat or mouse hairs, insect fragments, pellets of insect excrement, plant fragments, and dirt particles; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: June 5, 1944. A plea of guilty was entered and the defendant was fined \$250.

6094. Adulteration of cheese. U. S. v. 3 Cases of Langlois Blue Veined Cheese. Default decree of condemnation and destruction. (F. D. C. No. 12502. Sample No. 74409-F.)

LABEL FILED: June 3, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about April 28, 1944, by the Langlois Cheese Makers, Coquille, Oreg.

PRODUCT: 3 cases, each containing 6 5-pound cheeses, at Tacoma, Wash.

LABEL, IN PART: "Langlois Blue Veined Cheese, Langlois Cheese Makers State Brand."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, maggots.

DISPOSITION: July 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6095. Adulteration and misbranding of grated cheese. U. S. v. 34 Cartons of Grated Cheese. Default decree of condemnation and destruction. (F. D. C. No. 12174. Sample No. 50974-F.)

LABEL FILED: April 13, 1944, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 18, 1944, by Wm. Faehndrich, Inc., from New York, N. Y.

PRODUCT: Grated cheese, 34 cartons, each containing 12 canisters, at Hazleton, Pa.

LABEL, IN PART: (Canisters) "Famous Brand * * *. Grated * * * Cheese (Italian Style Cheese) * * * 15% Added Milk Solids [or "Added Milk Solids," or "An All Cheese Product"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth; Section 402 (b) (2), a substance, grated cheese which contained about 40 percent added "nonfat dry milk solids" or "defatted milk solids" (dried skim milk), had been substituted for grated cheese, which the article purported to be; and, Section 402 (b) (4), "nonfat dry milk solids" or "defatted milk solids" had been added or mixed or packed with the product so as to reduce its quality or strength.

Misbranding, Section 403 (a), the labeling, "Grated * * * Cheese * * * 15% Added Milk Solids," and "Grated * * * Cheese * * * An All Cheese Product," was false and misleading as applied to an article which contained about 40 percent added "nonfat dry milk solids" or "defatted milk solids"; and Section 403 (i) (2), the article in the cans labeled "An All Cheese Product" was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient since the presence of "nonfat dry milk solids" or "defatted milk solids" was not declared.

DISPOSITION: September 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

EGGS

6096. Adulteration of frozen whole eggs. U. S. v. 258 Cans, 268 Cans, and 391 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released upon deposit of cash collateral or bond. (F. D. C. No. 12674. Sample Nos. 82144-F to 82146-F, incl.)

LABEL FILED: June 15, 1944, District of New Jersey.

ALLEGED SHIPMENT: From April 11 to 14, 1944, by Nathan Erlich, Inc., from New York, N. Y.

PRODUCT: 917 cans of frozen whole eggs at Jersey City, N. J.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 7, 1944. The Montrose Industrial Bank having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released upon deposit of cash collateral or execution of a bond, conditioned that the unfit portion be segregated and destroyed or denatured under the supervision of the Food and Drug Administration, and disposed of for technical or industrial purposes.

6097. Adulteration of frozen whole eggs. U. S. v. 23 Cans of Frozen Whole Eggs. Default decree of condemnation. Product ordered sold and denatured. (F. D. C. No. 11924. Sample No. 6190-F.)

LABEL FILED: February 28, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 3, 1943, by Swift & Co., from Wichita, Kans.

PRODUCT: 23 cans of frozen whole eggs at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed eggs.

DISPOSITION: June 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, to be denatured so that it could not be used for human consumption.

6098. Adulteration of frozen whole eggs. U. S. v. 200 Containers of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 11824. Sample No. 51279-F.)

LABEL FILED: February 17, 1944, District of Maine.

ALLEGED SHIPMENT: On or about December 9, 1943, by the Fairmont Creamery Co., from Omaha, Nebr.

PRODUCT: 200 18-pound containers of frozen whole eggs at Portland, Maine.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6099. Adulteration of frozen whole eggs. U. S. v. 108 Cans of Frozen Whole Eggs. Default decree of condemnation. Product ordered separated, the edible portion to be delivered to the Veterans' Administration, and the unfit portion destroyed. (F. D. C. No. 11061. Sample No. 38828-F.)

LABEL FILED: November 4, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: October 15, 1943, by the Marshfield Dairy Products Co., from Marshfield, Wis.

PRODUCT: 108 cans of frozen whole eggs at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 2, 1944. No claimant having appeared, the product was ordered separated into edible and unfit portions, the latter to be destroyed and the edible portion to be delivered to the Veterans' Administration.

6100. Adulteration of frozen whole eggs. U. S. v. 396 Cartons of Frozen Eggs. Consent decree of condemnation. Product ordered released, upon the deposit of cash collateral, for segregation of the good portion from the bad. (F. D. C. No. 12869. Sample No. 49691-F.)

LABEL FILED: July 5, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about June 12, 1944, by Frigid Food Products, Inc., from Detroit, Mich.

PRODUCT: 396 cartons, each containing 30 pounds, of frozen eggs at Buffalo, N. Y.

LABEL, IN PART: (Tags on cartons) "Frigidegs Frozen Strictly Fresh Mixed."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 10, 1944. Frigid Food Products, Inc., having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released upon the deposit of cash collateral, conditioned upon the segregation of the good portion from the bad, under the supervision of the Food and Drug Administration. Upon completion of the segregation, the unfit portion was denatured.

6101. Adulteration of frozen whole eggs. U. S. v. 1,587 Cans of Frozen Whole Eggs (and 1 other seizure action against frozen whole eggs). Default decrees of forfeiture and destruction. (F. D. C. Nos. 12935, 12941. Sample Nos. 42295-F to 42297-F, incl.)

LIBELS FILED: July 13 and 14, Southern District of Indiana.

ALLEGED SHIPMENT: From on or about April 20 to May 29, 1944, by Domestic Egg Products, Inc., from Nashville, Tenn.

PRODUCT: 3,028 cans, each containing 30 pounds, of frozen whole eggs at Evansville, Ind.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: September 12, 1944. No claimant having appeared, judgments of forfeiture were entered and the product was ordered destroyed.

6102. Adulteration of frozen whole eggs. U. S. v. 125 Cartons of Frozen Egg Whites and Yolks Mixed. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12837. Sample No. 82161-F.)

LIBEL FILED: July 6, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about January 13, 1944, by the Henderson Produce Co., from Monroe City, Mo.

PRODUCT: 125 30-pound cartons of frozen eggs at Newark, N. J.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 2, 1944. Henderson Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond or on deposit of cash collateral, conditioned that the unfit portion be segregated and destroyed or denatured under the supervision of the Food and Drug Administration.

6103. Adulteration of frozen egg drip. U. S. v. 24 Cans and 17 Cans of Egg Drip. Default decree of condemnation and destruction. (F. D. C. No. 12485. Sample Nos. 78412-F, 78413-F.)

LIBEL FILED: June 2, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 28 and May 10, 1944, by Northern Indiana Producers, Inc., from Valparaiso, Ind.

PRODUCT: Frozen egg drip, 41 cans, each containing 30 pounds, at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: September 22, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FEEDS AND GRAINS

6104. Adulteration and misbranding of bone meal. U. S. v. 600 Bags and 150 Bags of Bone Meal. Consent decrees of condemnation. Product ordered released under bond for relabeling and conversion into fertilizer. (F. D. C. Nos. 11872, 11990. Sample Nos. 47330-F, 47368-F.)

LIBELS FILED: February 26 and March 10, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: From on or about September 30 to December 16, 1943, by the Riverdale Products Co., Chicago, Ill.

PRODUCT: A total of 750 100-pound bags of bone meal at Memphis, Tenn.

LABEL, IN PART: "Chapmans Feeding Special Odorless Steamed Bone Meal."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (1), the article contained an added poisonous or deleterious substance; fluorine, which might have rendered the product injurious to health; and, Section 402 (b) (2), a mixture of bone meal and earthy material, probably phosphate rock, had been substituted for bone meal, which the article was represented to be.

Misbranding, Section 403 (a), the name "Bone Meal" was false and misleading as applied to a mixture of bone meal and earthy material, probably phosphate rock; and, Section 403 (i) (2), the article was fabricated from two or more ingredients and the label failed to bear the common or usual name of each ingredient.

DISPOSITION: July 3, 1944. The Riverdale Products Co. having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for relabeling and conversion into fertilizer, under the supervision of the Food and Drug Administration.

6105. Misbranding of alfalfa meal. U. S. v. 155 Sacks of Alfalfa Meal. Judgment of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12176. Sample No. 27925-F.)

LIBEL FILED: April 12, 1944, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about January 13, 1944, by the Tremaine Alfalfa Milling Co., Mesa, Ariz.

PRODUCT: 155 100-pound sacks of alfalfa meal at Blair, Wis.

LABEL, IN PART: (Tag) "Westsun Brand Alfalfa Meal."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statement which appeared on the label, "Crude protein, not less than 17.0 per cent . . . crude fibre, not more than 27.0 per cent," was false and misleading, as applied to the article, which contained 12.92 percent protein and 30.48 percent crude fibre.

DISPOSITION: June 20, 1944. The Tremaine Alfalfa Milling Co. having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

FISH AND SHELLFISH

6106. Adulteration of frozen cod fillets. U. S. v. 410 Cartons of Frozen Cod Fillets. Default decree of condemnation and destruction. (F. D. C. No. 12274. Sample No. 52441-F.)

LIBEL FILED: April 28, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 14, 1944, by House of Fillets, from New York, N. Y.

PRODUCT: 410 cartons, each containing 10 pounds, of frozen cod fillets, at New Bedford, Mass.

LABEL, IN PART: (Carton) "Superior Frozen Cod Fillets Packed by Superior Fillets, Inc. New Bedford, Massachusetts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6107. Adulteration and misbranding of frozen eel pout fillets. U. S. v. 97 Boxes of Frozen Eel Pout Fillets. Default decree of condemnation and destruction. (F. D. C. No. 11960. Sample No. 65959-F.)

LIBEL FILED: March 7, 1944. Southern District of New York.

ALLEGED SHIPMENT: On or about January 20, 1944, by Blue Ribbon Fillets, Inc., Stonington, Conn.

PRODUCT: 97 boxes, each containing 20 pounds, of frozen eel pout fillets, at New York, N. Y.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fish infested with parasites; and, Section 402 (a) (5), it was, in whole or in part, the product of diseased fish.

Misbranding, Section 403 (e) (1) (2), it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, or an accurate statement of the quantity of its contents; and, Section 403 (i) (1), its label failed to bear the common or usual name of the food.

DISPOSITION: June 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6108. Adulteration of frozen haddock fillets. U. S. v. 228 Cartons of Haddock Fillets. Default decree of condemnation. Product ordered sold for use as fertilizer. (F. D. C. No. 12460. Sample No. 72755-F.)

LABEL FILED: May 27, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 12, 1944, by the Commonwealth Ice and Cold Storage Co., from Boston, Mass.

PRODUCT: 228 cartons, each containing 2 5-pound packages, of haddock fillets at St. Louis, Mo.

LABEL, IN PART: "Frosted Haddock Tenderloins O'Donnel-Usen Fisheries Corp. Fish Pier, Boston, Mass."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use as fertilizer.

6109. Adulteration of canned sardines. U. S. v. 127 Cases of Canned Sardines. Default decree of condemnation and destruction. (F. D. C. No. 12130. Sample No. 956-F.)

LABEL FILED: April 5, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 22, 1943, by the Coast Fishing Co., from Wilmington, Calif.

PRODUCT: 127 cases, each containing 48 15-ounce cans, of sardines at Chicago, Ill.

LABEL, IN PART: (Cans) "King Solomon Fancy California Sardines."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6110. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat (and 1 additional seizure action involving crab meat). Default decree of condemnation. Product ordered delivered for the use of the National Zoological Park. (F. D. C. Nos. 12675, 12681. Sample Nos. 28876-F, 35090-F.)

LIBELS FILED: June 12, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about June 6 and 7, 1944, by the Gale Packing Co., from Palatka, Fla.

PRODUCT: 3 barrels containing a total of 197 1-pound cans of crab meat at Washington, D. C.

LABEL, IN PART: "Lake George Brand * * * De Luxe [or "Claw"] Crab Meat * * * Gale & Co., Palatka, Fla."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of *E. Coli.*, an organism which indicates pollution of fecal origin; and, Section 402 (a) (4), it had been prepared or packed under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 11, 1944. No claimant having appeared, judgments of condemnation were entered, and the product was ordered delivered for the use of the National Zoological Park.

6111. Adulteration of canned oysters. U. S. v. 327 Cases of Oysters. Consent decree of condemnation. Product ordered released under bond for segregation of the fit portion from the unfit portion. (F. D. C. No. 12378. Sample No. 82183-F.)

LIBEL FILED: May 16, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about March 10, 1944, by General Seafoods, Inc., Violet, La.

PRODUCT: 327 cases, each containing 48 cans, of oysters at New York, N. Y.

LABEL, IN PART: (Cans) "40-Fathom Oysters Distributed by 40-Fathom Fish, Inc., Boston, Mass."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 19, 1944. 40-Fathom Fish, Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit portion and destruction of the latter, under the supervision of the Food and Drug Administration.

6112. Adulteration of canned oysters. U. S. v. 47 Cases of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 12410. Sample No. 67254-F.)

LIBEL FILED: On or about May 19, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about April 13, 1944, by the Dorgan Packing Corp., Biloxi, Miss.

PRODUCT: 47 cases, each containing 48 7½-ounce cans, of oysters at Cincinnati, Ohio.

LABEL, IN PART: (Cans) "Water Crest * * * Oysters."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: June 30, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6113. Adulteration and misbranding of frozen shrimp. U. S. v. 312 Cases and 342 Cases of Shrimp. Decrees of condemnation. Portion of product ordered released under bond to claimant; remainder ordered disposed of for fish food. (F. D. C. Nos. 12380, 12381, 12752. Sample Nos. 39285-F, 73223-F.)

LABELS FILED: May 16, 1944, Southern District of California; June 22, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about February 4 and 18, 1944, by the Otto L. Kuehn Co., from Hammond, La.

PRODUCT: 312 cases, each containing 24 12-ounce cartons, at Los Angeles, Calif., and 342 cases, each containing 10 5-pound cartons, of shrimp, at San Francisco, Calif.

LABEL, IN PART: (Cartons) "O. K. Brand Frozen Fresh [or "Fancy Jumbo"] Shrimp."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), (both lots) the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (a), (San Francisco lot) the statement "Jumbo Shrimp" was false and misleading as applied to small size shrimp.

DISPOSITION: June 13, 1944. No claimant having appeared for the lot at Los Angeles, judgment of condemnation was entered and the product was ordered destroyed. An amended decree entered on June 16, 1944, ordered the product delivered to the Fish and Game Commission, Department of Natural Resources of the State of California, for use as fish food. On July 25, 1944, the Otto L. Kuehn Co. having appeared as claimant for the lot at San Francisco, judgment of condemnation was entered and the product was ordered released under bond to be brought into conformance with the law under the supervision of the Food and Drug Administration.

6114. Adulteration of frozen, headless shrimp. U. S. v. 2,660 Boxes of Frozen Headless Shrimp. Tried to the court. Decree of condemnation. Product ordered released under bond for sale as animal food. (F. D. C. No. 10867. Sample No. 36454-F.)

LIBEL FILED: October 5, 1943, District of Colorado.

ALLEGED SHIPMENT: On or about August 21, 1943, by the U. S. Cold Storage Co., Dallas, Tex.

PRODUCT: 2,660 boxes, each containing 5 pounds, of frozen headless shrimp, at Denver, Colo.

LABEL, IN PART: "Fisher Boy Shrimp * * * Packed by Booth Fisheries Corporation Chicago, Illinois."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: The Booth Fisheries Corporation, Denver, Colo., having appeared as claimant and having denied that the product was adulterated, the case was tried to the court on May 4 and 5, 1944, and the following findings of fact and conclusions of law were entered:

J. FOSTER SYMES, *District Judge*: "This cause having come on for trial to the Court on the 5th day of May, A. D. 1944, and the Court having heard the evidence and having read the briefs and being fully advised, doth make the following findings of fact and conclusions of law:

FINDINGS OF FACT

"1. That this shipment of 2,660 boxes, more or less, each containing five pounds frozen headless shrimp, was, on or about the 24th day of August, A. D. 1943, transported from the City of Dallas, in the State of Texas, to and into the City and County of Denver, in the State and District of Colorado, within the jurisdiction of this Court, to the Booth Fisheries Corporation, claimant.

"2. That 21.7% of the shrimp comprising said shipment were found to be either in an intermediate or advanced state of decomposition.

CONCLUSIONS OF LAW

"1. That the Court had jurisdiction over the parties and the cause of action.

"2. That said shipment of shrimp involved was shipped in interstate commerce and was adulterated within the meaning of Title 21 USCA, Section 342 (a) (3).

"3. That said shrimp is hereby held to be unfit for human consumption, and is ordered condemned."

On June 24, 1944, judgment of condemnation was entered and the product was ordered released to the claimant, under bond, to be disposed of as animal feed.

FRUITS AND VEGETABLES

CANNED AND FROZEN FRUITS

6115. Adulteration of Frozen Blueberries. U. S. v. 600 Boxes of Frozen Blueberries. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11858. Sample No. 57266-F.)

LIBEL FILED: February 21, 1944, District of New Jersey.

ALLEGED SHIPMENT: January 6, 1944, by the Monmouth Products Co., from Williamsburg, Va.

PRODUCT: 600 boxes, each containing 30 pounds, of frozen blueberries at Asbury Park, N. J. Examination showed that the berries were, in part, moldy.

LABEL, IN PART: "Maple Leaf Brand Blueberries Canada Packers Limited Charlottetown, P. E. I. Canada."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 26, 1944. Flint & Fulton, Inc., claimant, trading as the Monmouth Products Co., Asbury Park, N. J., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, or upon deposit of cash collateral, for segregation and destruction or denaturing of the unfit portion, under the supervision of the Food and Drug Administration.

6116. Misbranding of olives. U. S. v. 198 Cases of Olives. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 12930. Sample No. 35100-F.)

LIBEL FILED: On or about July 13, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about June 14, 1944, by Max Ams, Inc., from New York, N. Y.

PRODUCT: 198 cases, each containing 24 jars, of olives at Atlanta, Ga.

These olives were packed in four vertical rows, two opposite rows containing five plain olives, and the other two opposite rows containing four stuffed olives, the stuffed ends facing out.

LABEL, IN PART: (Jars) "Lippincott * * * Selected Olives Stuffed With Sweet Peppers Packed By Lippincott Fine Food, Inc., Division of Max Ams, Inc., New York, N. Y."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that the statement, "Selected Olives Stuffed With Sweet Peppers," which appeared in the labeling, was misleading since less than half of the olives in the jar were stuffed; and, Section 403 (d), in that the container was so filled as to be misleading since the method of packing two rows of olives with the stuffed ends facing out gave the impression that the jars contained all stuffed olives.

DISPOSITION: July 19, 1944. The Alterman Brothers, Atlanta, Ga., claimant, having admitted that the product was misbranded, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

6117. Adulteration of prunes, in sirup. U. S. v. 499 Cases of Prunes in Syrup. Default decree of condemnation and destruction. (F. D. C. No. 10257. Sample No. 11325-F.)

LABEL FILED: On July 14, 1943, in the Western District of Washington, against 298 cases; amended libel filed July 17, 1943, to cover a total of 499 cases.

ALLEGED SHIPMENT: On or about June 24, 1943, by the A. M. Beebe Co., Inc., from San Francisco, Calif.

PRODUCT: 499 cases, each containing 12 30-ounce jars, of prunes, in sirup, at Tacoma, Wash.

LABEL, IN PART: "Sun-Blest Prepared Prunes in Syrup * * * Tiedemann & McMorran Distributors San Francisco, Calif."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances, rodent hairs and insect excreta.

DISPOSITION: June 16, 1944. The sole intervenor having withdrawn its claim, judgment of condemnation was entered and the product was ordered destroyed.

DRIED FRUITS

6118. Adulteration of apple chops. U. S. v. 390 Bags of Apple Chops. Default decree of condemnation and destruction. (F. D. C. No. 12828. Sample No. 59861-F.)

LABEL FILED: On July 10, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about December 15, 1943, from Yakima, Wash.

PRODUCT: 390 bags, each containing 50 pounds, of apple chops, at Chicago, Ill., in possession of the Currier Lee Warehouse, Inc.

The product was stored under insanitary conditions after shipment. Some of the bags had been gnawed by rodents and contained rodent excreta. The bags on top of the pile were very dirty, and the dust had filtered through the bags onto the chops. Examination of samples showed that the product contained rodent excreta, rodent hair fragments, larvae, insect fragments, and dirty, moldy, and insect-damaged apple chops.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: October 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6119. Adulteration of dried figs. U. S. v. 184 Boxes of Dried Figs. Default decree of condemnation and destruction. (F. D. C. No. 12825. Sample No. 70646-F.)

LABEL FILED: On or about June 30, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about April 10, 1944, from San Francisco, Calif., consigned by the Albert Asher Co.

PRODUCT: 184 boxes, each containing 25 pounds, of dried figs at Tacoma, Wash.

LABEL, IN PART: (Boxes) "Progreso Brand Choice California Black Figs."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance by reason of the presence of

rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared or packed under insanitary conditions whereby it might have been contaminated with filth.

DISPOSITION: August 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6120. Adulteration of figs. U. S. v. 741 Cases of Sliced Figs. Consent decree of condemnation. Product ordered released to be distilled, disposed of as animal feed, or otherwise destroyed for human food purposes. (F. D. C. No. 12458. Sample No. 70838-F.)

LIBEL FILED: June 10, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about December 10, 1943, by the California Packing Co., Fresno, Calif.

PRODUCT: 741 60-pound cases of sliced figs at Seattle, Wash.

LABEL, IN PART: "60 Lbs. Net Mecca Brand Sliced Figs * * * Adriatic * * * Packed by Roeding Fig & Olive Co., Fresno, California."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested, moldy, and sour figs.

DISPOSITION: July 13, 1944. The Roeding Fig & Olive Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be distilled, disposed of as animal food, or otherwise destroyed for human food purposes, under the supervision of the Federal Security Agency.

6121. Adulteration of sliced white figs. U. S. v. 48 Cases of Sliced White Figs. Consent decree of condemnation. Product ordered released under bond to be used for distillation into spirits. (F. D. C. No. 12285. Sample No. 71146-F.)

LIBEL FILED: May 15, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about January 18, 1944, from Fresno, Calif., by Guggenheimer & Co.

PRODUCT: 48 cases, each containing 60 pounds, of sliced white figs at Seattle, Wash.

LABEL, IN PART: "Waldorf Brand California Adriatic Dried Sliced White Figs."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, and insect excreta.

DISPOSITION: August 4, 1944. Guggenheimer & Co. having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be used for distillation into spirits, under the supervision of the Food and Drug Administration.

JELLIES, PRESERVES, AND BUTTERS*

6122. Adulteration of apple butter. U. S. v. 1,492 Cases of Apple Butter. Consent decree of condemnation and destruction. (F. D. C. No. 9020. Sample No. 1962-F.)

LIBEL FILED: December 14, 1942, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about November 12 and 13, 1942, by the D. B. Scully Syrup Co., Chicago, Ill.

PRODUCT: 1,492 cases, each containing 12 jars, of apple butter at Milwaukee, Wis.

LABEL, IN PART: "Roundy's White Label * * * Pure Apple Butter * * * Distributed by Roundy, Peckham and Dexter Co., Milwaukee, Wisc."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 6, 1944. The D. B. Scully Syrup Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

*See also No. 6194. .

6123. Adulteration and misbranding of apricot preserves and peach preserves. U. S. v. 211 Cases of Apricot Preserves and 194 Cases of Peach Preserves. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12860. Sample Nos. 61223-F, 61224-F.)

LIBEL FILED: July 27, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about May 20, 1944, by the Cecil Brown Fig Co., from Pearland, Tex.

PRODUCT: 211 cases, each containing 24 1-pound jars of apricot preserves, and 194 cases, each containing 24 1-pound jars of peach preserves at New Orleans, La.

LABEL, IN PART: (Jars) "Tak-A-Taste Brand * * * Pure Apricot [or "Peach"] Preserves."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, fruit, had been in part omitted from the articles; and, Section 402 (b) (2), products deficient in fruit had been substituted in whole or in part for apricot and peach preserves.

Misbranding, Section 403 (a), the names "Apricot Preserves" and "Peach Preserves" were false and misleading; Section 403 (b), the articles were offered for sale under the names of other foods; and, Section 403 (g) (1), they purported to be and were represented as fruit preserves (apricot or peach), foods for which definitions and standards of identity have been prescribed by regulations, but they failed to conform to these definitions and standards since they were made from mixtures composed of less than 45 parts by weight of the fruit (apricot or peach) ingredient to each 55 parts by weight of one of the saccharine ingredients.

DISPOSITION: September 18, 1944. The Cecil Brown Fig Co., Friendswood, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond, or upon deposit of cash collateral or certified check, for relabeling under the supervision of the Federal Security Agency.

6124. Adulteration and misbranding of jellies and preserves. U. S. v. 32½ Cases of Jellies and 21 4/12 Cases of Preserves and Jam. Default decree of condemnation. Products ordered delivered to charitable organizations. (F. D. C. No. 12211. Sample Nos. 54167-F, 54168-F.)

LIBEL FILED: April 26, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about December 13, 1943, by the American Conserving Co., and on or about February 24, 1944, by the Crown Products Corporation, from Los Angeles, Calif.

PRODUCT: 32½ cases, each full case containing 12 jars, of raspberry jelly or raspberry-apple jelly, and 21¼ cases, each full case containing 12 jars, of raspberry preserves, at Phoenix, Ariz.

LABEL, IN PART: (Jars) "Lady's Choice Net Weight 7 Ounces Avd. Home Made Style Pure Raspberry Jelly [or "Raspberry-Apple Jelly," or "Raspberry Preserves"] Packed by Crown Products Corp.," and (on some cases) "Raspberry Jam."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), substances containing phosphoric acid or acid phosphate, and deficient in fruit or fruit juice, had been substituted in whole or in part for raspberry jelly, raspberry-apple jelly, or raspberry jam and preserves.

Misbranding, Section 403 (a), the names, "Pure Raspberry Jelly," "Raspberry-Apple Jelly," "Raspberry Jam," and "Raspberry Preserves," borne on the labels, were false and misleading; and the statement "Net Weight 7 Ounces Avd" on the labels was false and misleading as applied to the products which weighed 2 pounds; and, Section 403 (g) (1), the products purported to be and were represented as foods for which definitions and standards of identity have been prescribed by regulations, and they failed to conform to those definitions and standards since they contained less than 45 parts by weight of the applicable fruit or fruit juice ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the definitions and standards; and they contained phosphoric acid or acid phosphate, which are not optional ingredients of the products.

DISPOSITION: June 17, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to charitable organizations.

6125. Adulteration and misbranding of peach-flavored spread and pineapple-flavored spread. U. S. v. 35 Cartons of Peach Flavored Spread and 65 Cartons of Pineapple Flavored Spread. Default decree of condemnation. Product ordered delivered to a charitable organization. (F. D. C. No. 11830. Sample Nos. 76141-F, 76143-F.)

LIBEL FILED: February 19, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about December 9 and 11, 1943, by Ace Preserves, from New York, N. Y.

PRODUCT: 35 cartons, each containing 24 jars, of peach-flavored spread, and 65 cartons, each containing 24 jars, of pineapple-flavored spread at Bayonne, N. J.

LABEL, IN PART: "Pantry Brand Peach [or "Pineapple"] Flavored Spread
* * * Manufactured By Pantry Products Co. New York, N. Y."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of fruit, sugar, pectin, water, and acid had been substituted for peach and pineapple jam, respectively, which the articles purported to be.

Misbranding, Section 403 (g) (1), the articles purported to be foods for which definitions and standards of identity have been prescribed by regulations promulgated pursuant to law, and they failed to conform to these definitions and standards since the articles were made from a mixture composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of the optional saccharine ingredients specified in the definitions and standards, and the articles were not concentrated by heat, as required by the regulations, to such point that the soluble solids content was, in the case of the peach spread, 65 percent or less, and, in the case of the pineapple spread, 68 percent or less.

DISPOSITION: No claimant having appeared, judgment of condemnation was entered on June 5, 1944, and the product was ordered delivered to a charitable organization.

MISCELLANEOUS FRUIT PRODUCTS*

6126. Adulteration of white fig paste. U. S. v. 570 Cases of White Fig Paste. Consent decree of condemnation. Product ordered released under bond for distillation. (F. D. C. No. 12314. Sample No. 70494-F.)

LIBEL FILED: On or about May 11, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about September 18, 1943, From Fresno, Calif.

PRODUCT: 570 cases of white fig paste, at Portland, Oreg., in possession of the B. & O. Transfer Co.

This product had been stored after shipment under insanitary conditions. Many of the cartons had been damaged by rodents, and rodent excreta was noted on the cartons and in some of the exposed fig paste. Examination showed that the product contained insect and larva fragments, rodent excreta, and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance; and, Sections 402 (a) (4), in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: August 4, 1944. Rosenberg Bros. & Co., San Francisco, Calif., having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for distillation, under the supervision of the Food and Drug Administration.

6127. Adulteration of fig paste. U. S. v. 400 Cartons of Fig Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12281. Sample No. 71211-F.)

LIBEL FILED: On or about May 5, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about November 24, 1943, by the Roeding Fig & Olive Co., from Fresno, Calif.

PRODUCT: 400 80-pound cartons of fig paste at Portland, Oreg.

LABEL, IN PART: "Mecca Brand Fig Paste."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, and insect fragments.

*See also Nos. 6001-6003.

DISPOSITION: June 6, 1944. The Roeding Fig & Olive Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be distilled under the supervision of the Federal Security Agency.

6128. Adulteration of fig paste. U. S. v. 124 Cases of Fig Paste. Consent decree of condemnation. Product ordered released under bond to be disposed of for other purposes than human consumption. (F. D. C. No. 12701. Sample No. 58248-F.)

LIBEL FILED: June 16, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about December 4, 1943, from Empire, Calif., consigned by Guggenlime & Co., San Francisco, Calif.

PRODUCT: 124 cases of fig paste at Denver, Colo.

LABEL, IN PART: "Baker Boy Brand California * * * White Adriatic Fig Paste Packed Expressly for Western Bakers Supply Co. Denver Colorado."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance, larvae, and insect and larvae heads.

DISPOSITION: August 3, 1944. Guggenlime & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be placed in storage until disposed of for other purposes than human consumption, under the supervision of the Food and Drug Administration.

6129. Adulteration of fig paste. U. S. v. 100 Cartons and 500 Cases of Fig Paste. Decrees of condemnation. Product ordered released under bond for distillation purposes. (F. D. C. Nos. 12312, 12350. Sample Nos. 70484-F, 71154-F.)

LIBELS FILED: On or about May 5 and 25, 1944, in the District of Oregon and the Western District of Washington.

ALLEGED SHIPMENT: On or about September 18, 1943, and January 25, 1944, by Rosenberg Bros. & Co., from San Francisco and Fresno, Calif.

PRODUCT: 100 cartons of fig paste at Portland, Oreg., and 500 cases at Seattle, Wash.

LABEL, IN PART: "White Fig Paste," or "Special Fig Paste."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, larvae fragments, insect fragments, and rodent hairs.

DISPOSITION: August 4 and 11, 1944. Rosenberg Bros. & Co. having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond for distillation purposes, under the supervision of the Food and Drug Administration.

6130. Adulteration of grapefruit juice. U. S. v. 1,503 Cases of Grapefruit Juice. Default decree of condemnation and destruction. (F. D. C. No. 12483. Sample No. 72165-F.)

LIBEL FILED: May 31, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 16, 1944, by the Brownsville Canning Co., Brownsville, Tex.

PRODUCT: 1,503 cases, each containing 24 cans, of grapefruit juice at St. Louis, Mo.

LABEL IN PART: "American Lady Fancy [or "Topmost Fancy"] Unsweetened Tree Ripened Grapefruit Juice * * * General Grocer Co. Distributors, St. Louis, Mo."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances since it contained fly fragments, fly eggs, and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6131. Adulteration of diced grapefruit peel. U. S. v. 21 Barrels of Diced Grapefruit Peel. Default decree of condemnation and destruction. (F. D. C. No. 12284. Sample No. 52342-F.)

LIBEL FILED: May 1, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 11, 1944, by the Tampa Packing Co., from Lakeland, Fla.

PRODUCT: 21 barrels of diced grapefruit peel at Boston, Mass.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: June 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6132. Adulteration of prune crush. U. S. v. 367 Cases of Prune Crush. Tried to a jury. Verdict for the Government. Decree of condemnation and destruction. (F. D. C. No. 9376. Sample No. 11062-F.)

LIBEL FILED: On or about February 24, 1943. Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 26, 1943, by the L. Demartini Co., from Oakland, Calif.

PRODUCT: 367 cases, each containing 6 jars, of prune crush at Chicago, Ill.

LABEL IN PART: "Prune Crush A combination of Dry Prunes and Water."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; rodent-type hairs and insect fragments.

DISPOSITION: On November 26, 1943, pursuant to motion by the L. Demartini Co., San Francisco, Calif., claimant, the case was transferred to the Southern District of California, and on April 26, 1944, the case came on for trial before a jury. After the testimony had been taken, a verdict was rendered by the jury in favor of the Government and, pursuant thereto, judgment of condemnation was entered on June 27, 1944, and the product was ordered destroyed.

CANNED VEGETABLES

6133. Misbranding of canned brussels sprouts. U. S. v. 109 Cases and 33 Cases of Brussels Sprouts. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 12217. Sample No. 60293-F.)

LIBEL FILED: On or about April 28, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 31, 1944, by D. J. Pulis from San Francisco, Calif.

PRODUCT: 109 cases, each containing 24 8-ounce jars, and 33 cases, each containing 24 16-ounce jars, of brussels sprouts at Chicago, Ill.

LABEL, IN PART: "Savoy Brussels Sprouts in Taragon Vinegar. Net Weight 8 Oz. Avoir. [or "1 Pound"] Spice Added Steele-Wedeles Company Distributors Chicago, Ill."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements "Net Weight 8 Oz. Avoir.," and "Net Weight 1 Pound," were false and misleading as applied to an article which was short weight; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: June 6, 1944. Jacob E. Mathis, Inc., claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under supervision of the Food and Drug Administration.

6134. Misbranding of canned corn. U. S. v. 242 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12437. Sample Nos. 70783-F, 71167-F.)

LIBEL FILED: June 7, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about November 23, 1943, by the Silverton Canning Co., from Silverton, Ore.

PRODUCT: 242 cases, each containing 24 cans, of corn at Bellingham, Wash.

LABEL, IN PART: (Cans) "Kulshan Brand Cream Style Fancy Golden Yellow Corn Distributed by Lee Grocery Co. Bellingham & Everett, Washington U. S. Grade A Fancy."

VIOLATION CHARGED: Misbranding, Section 403 (a), in that the statements, "Fancy Golden Yellow Corn * * * U. S. Grade A Fancy," and "Fancy Corn," were false and misleading as applied to a product that failed to meet the United States Department of Agriculture requirements for Grade A or Fancy

cream-style canned corn; and in that the designation "U. S. Grade A Fancy" was misleading since it implied that the product was packed under continuous U. S. inspection whereas it was not.

DISPOSITION: August 9, 1944. The Lee Grocery Co., having appeared as claimant and consented to the entry of the decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

Nos. 6135-6148 report actions involving a smooth-skin variety of peas, a food for which a standard of quality has been prescribed by regulations, and the products fell below that standard since the amount of alcohol-insoluble solids of the peas in the containers was more than 23.5 percent; and the labels failed to bear, as the regulations specify, a statement that the peas fell below the standard. In addition, **Nos. 6135-6139** report actions involving peas that were misbranded because of failure to bear other mandatory labeling.

6135. Misbranding of canned peas. U. S. v. 220 Cases of Peas (and 1 other seizure action involving canned peas). Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 12459, 12506. Sample Nos. 46800-F, 62453-F.)

LIBEL FILED: June 5, 1944, Eastern District of Missouri; June 2, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: From on or about August 14 to November 8, 1943, by the Columbia Canning Co., Cambria, Wis.

PRODUCT: 220 cases of canned peas at Chicago, Ill., and 1,645 cases at St. Louis, Mo., each case containing 24 cans.

LABEL, IN PART: (St. Louis lot, cases stencilled) "Unlabeled E. J. Peas," and (Chicago lot, cans) "Early Peas."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), the product was below standard. In addition, the product at St. Louis, Mo., was misbranded, Section 403 (e) (1), in that it was food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and Section 403 (g) (2), it purported to be and was represented as canned peas, a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear the name of the food specified in the definition and standard.

DISPOSITION: July 6, 1944, the Columbia Canning Co. having appeared as claimant for the lot at Chicago and the General Grocer Co., St. Louis, Mo., having appeared as claimant for the lot at that city, and the claimants having admitted the facts set forth in the libels, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

6136. Misbranding of canned peas. U. S. v. 41 Cases of Canned Peas. Default decree of condemnation. Product ordered sold to highest bidder. (F. D. C. No. 12190. Sample No. 57975-F.)

LIBEL FILED: April 18, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about September 9, 1943, by the Fremont Canning Co., from Fremont, Nebr., to the Colorado Brokerage Co., Denver, Colo.; re-shipped to Sterling, Colo. Invoiced as a substandard grade.

PRODUCT: 41 cases of canned peas at Sterling, Colo.

VIOLATIONS CHARGED: Misbranded (when introduced into interstate commerce), Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and, Section 403 (h) (1), the product was below standard.

DISPOSITION: June 14, 1944. No claimant having appeared, judgment of condemnation was entered and product was ordered sold to the highest bidder, the purchaser to relabel product under the supervision of the Food and Drug Administration.

6137. Misbranding of canned peas. U. S. v. 185 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12305. Sample Nos. 72732-F, 72733-F.)

LIBEL FILED: May 3, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 15, 1943, by the Waldo Canning Co., from Waldo, Wis.

PRODUCT: 185 cases, each containing 24 1-pound, 4-ounce cans of peas at St. Louis, Mo. The peas were shipped unlabeled and invoiced as standard.

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (1), the article was a food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and Section 403 (h) (1), the product was below standard.

DISPOSITION: June 30, 1944. The Waldo Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6138. Misbranding of canned peas. U. S. v. 69 Cases of Peas. Default decree of condemnation. Product ordered sold in compliance with the law. (F. D. C. No. 12275. Sample No. 72711-F.)

LIBEL FILED: April 27, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 10, 1943, by the Pardeeville Canning Co., from Pardeeville, Wis. The product was shipped unlabeled.

PRODUCT: 69 cases, each containing 24 cans, of peas, at St. Louis, Mo.

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (1), the article was food in package form and, when shipped, it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and Section 403 (h) (1), it was below standard.

DISPOSITION: July 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, in compliance with the law, by the United States marshal.

6139. Misbranding of canned peas. U. S. v. 277 Cases and 361 Cases of Canned Peas. Consent decree of condemnation with respect to 1 lot; product ordered released under bond for relabeling. Remaining lot adjudged misbranded and ordered released under bond for relabeling. (F. D. C. Nos. 12442, 12662. Sample Nos. 46947-F, 72746-F.)

LIBEL FILED: On or about May 25, 1944, Eastern District of Missouri. June 13, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: From on or about July 28 to August 23, 1943, by the Cambria Canning Corporation, Cambria, Wis.

PRODUCT: 277 cases, each containing 24 cans, of peas at Moberly, Mo., and 361 cases, each containing 24 cans, of peas at Chicago, Ill. The peas at Chicago were shipped unlabeled.

LABEL, IN PART: "Wiscos Brand Early June Peas * * * Packed by Fall River Canning Co. Fall River, Wis."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), the product was below standard. The lot located at Chicago, Ill., was also alleged to be misbranded, Section 403 (e) (1), in that it was food in package form and it failed to bear a label containing the name and place of business of the manufacturer, packager, or distributor; and, Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: July 18, 1944. The Temple Stephens Co., Moberly, Mo., having appeared as claimant for the lot located there, and having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond for relabeling as substandard, under the supervision of the Food and Drug Administration. On July 21, 1944, the Steele-Wedeles Co. having appeared as claimant for the lot located at Chicago, Ill., and having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond for relabeling in compliance with the law, under the supervision of the Food and Drug Administration.

6140. Misbranding of canned peas. U. S. v. 237 Cases of Early June Peas. Consent decree of condemnation. Product ordered released for relabeling. (F. D. C. No. 12498. Sample No. 46943-F.)

LIBEL FILED: June 7, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 26, 1943, by the Fall River Canning Co., Fall River, Wis.

PRODUCT: 237 cases, each containing 24 cans, of peas at Chicago, Ill.

LABEL, IN PART: "Eatmor Brand Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: July 3, 1944. The Dearborn Wholesale Grocers having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

6141. Misbranding of canned peas. U. S. v. 360 Cases and 150 Cases of Canned Peas. Consent decree of condemnation. Product released for relabeling. (F. D. C. No. 12648. Sample Nos. 46941-F, 46950-F.)

LIBEL FILED: June 13, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 26 and 29, 1943, by the Krier Preserving Co., from Belgium, Wis.

PRODUCT: 510 cases, each containing 24 cans, of peas at Chicago, Ill.

LABEL, IN PART: (Cans) "Appealing Brand * * * Early June Peas * * * Wurm Brothers Co. Chicago Distributors."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: July 20, 1944. The Krier Preserving Co., claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

6142. Misbranding of canned peas. U. S. v. 1,490 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12842. Sample No. 72780-F.)

LIBEL FILED: July 3, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about May 27, 1944, by the Blytheville Canning Co., from Blytheville, Ark.

PRODUCT: 1,490 cases, each containing 24 1-pound, 4-ounce cans, of peas at Memphis, Tenn.

LABEL, IN PART: (Can) "Sailor Man Mixed Sizes Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard.

DISPOSITION: September 5, 1944. The Blytheville Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the sub-standard portion be segregated and relabeled under the supervision of the Federal Security Agency.

6143. Misbranding of canned peas. U. S. v. 339 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11852. Sample No. 66044-F.)

LIBEL FILED: February 23, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about December 21, 1943, by the Littlestown Canning Co., Inc., Littlestown, Pa.

PRODUCT: 339 cases, each containing 24 cans, of peas at New York, N. Y.

LABEL, IN PART: "Valley Sun Brand Sifted Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard.

DISPOSITION: October 2, 1944. The Littlestown Canning Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

6144. Misbranding of canned peas. U. S. v. 952 Cases of Early June Peas. Consent decree of condemnation. Product ordered released for relabeling. (F. D. C. No. 12450. Sample No. 46799-F.)

LIBEL FILED: June 3, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 22 and 23, 1943, by the Wisconsin Canning Co., from Oshkosh, Wis.

PRODUCT: 952 cases, each containing 24 cans, of peas at Chicago, Ill.

LABEL, IN PART: (Cans) "Red Jack Early June Peas. * * * Packed for United Wholesale Grocers, Inc., Chicago, Ill.

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: July 8, 1944. The Wisconsin Canning Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling in compliance with the law, under the supervision of the Food and Drug Administration.

6145. Misbranding of canned peas. U. S. v. 596 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 12466. Sample No. 67493-F.)

LIBEL FILED: June 1, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 29, 1943, by Fredonia Canned Foods, Inc., Fredonia, Wis.

PRODUCT: Canned peas, 596 cases, each containing 24 1-pound, 4-ounce cans, at Cleveland, Ohio.

LABEL IN PART: (Cans) "Waubeka Brand Early June Peas * * * Packed By Fredonia Canning Co. Fredonia, Wis."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: September 14, 1944. Fredonia Canned Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6146. Misbranding of canned peas. U. S. v. 663 Cases of Peas. Consent decree of condemnation. Product ordered released for relabeling. (F. D. C. No. 12482. Sample No. 41481-F.)

LIBEL FILED: May 31, 1944, Southern District of Texas.

ALLEGED SHIPMENT: On or about October 25, 1943, by the Markesan Canning Co., Markesan, Wis.

PRODUCT: 663 cases, each containing 24 cans, of peas at Houston, Tex.

LABEL IN PART: "Atlantic Early June Peas Standard Quality * * * The Great Atlantic & Pacific Tea Co. New York, NY Distributors."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: July 8, 1944. A claimant having appeared, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

6147. Misbranding of canned peas. U. S. v. 1,697 Cases of Early June Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 12249. Sample No. 40039-F.)

LIBEL FILED: April 24, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about September 22, 1943, by Country Gardens, Inc., from Coleman, Wis.

PRODUCT: 1,697 cases, each containing 24 cans, of early June peas, at Minneapolis, Minn.

LABEL IN PART: "Come Again Brand Early June Peas * * * Distributed by National Tea Co. Chicago, Ill."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: July 15, 1944. Country Gardens, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

6148. Misbranding of canned peas. U. S. v. 449 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 12250. Sample No. 40043-F.)

LIBEL FILED: April 24, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about December 14, 1943, by the Chippewa Canneries, from Stanley, Wis.

PRODUCT: 449 cases, each containing 24 cans, of peas at St. Paul, Minn.

LABEL IN PART: "Fawn * * * Size 3 June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: June 15, 1944, Chippewa Canneries, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

6149. Adulteration and misbranding of sauerkraut. U. S. v 16 Cases of Sauer Kraut. Default decree of condemnation and destruction. (F. D. C. No. 12246. Sample No. 67460-F.)

LIBEL FILED: April 26, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 17, 1944, by the Mayfair Food Products Co., from Chicago, Ill.

PRODUCT: 16 cases, each containing 12 1-quart jars, of sauerkraut at Cleveland, Ohio.

LABEL, IN PART: "Mayfair Set Sauer Kraut."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), in that brine had been substituted in whole or in part for sauerkraut, which the article purported to be.

Misbranding, Section 403 (k), the article contained a chemical preservative, sulfur dioxide, and failed to bear labeling stating that fact.

DISPOSITION: June 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6150. Adulteration and misbranding of canned sauerkraut. U. S. v. 428 Cases of Sauerkraut. Default decree of condemnation. Product ordered delivered to the National Zoological Park. (F. D. C. No. 12857. Sample No. 79281-F.)

LIBEL FILED: July 3, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about June 19, 1944, by the Kent Food Corporation, from Brooklyn, N. Y.

PRODUCT: 428 cases, each containing 6 No. 10 cans, of sauerkraut at Washington, D. C.

This product had a dark appearance and a bitter taste, and it contained $\frac{4}{10}$ of 1 percent of benzoate of soda. The cans contained an excessive amount of brine. The drained weight of the sauerkraut ranged from 35.5 ounces to 77 ounces, whereas a can of the size used should have contained 80 ounces avoirdupois of drained sauerkraut.

LABEL, IN PART: (Cans) "Golden's No. 10 Sauerkraut * * * Packed by Golden's Pickle Works, Inc. Brooklyn, N. Y.," or "Golden's * * * Fancy Sauerkraut."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product was unfit for food; and, Section 402 (b) (2), brine had been substituted in part for sauerkraut, which the article was represented to be.

Misbranding, Section 403 (a), the statement " $\frac{1}{10}$ of 1% Benzoate of Soda" was false and misleading since the article contained 4 times this amount of benzoate of soda.

DISPOSITION: August 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park for its use only and not for sale.

6151. Adulteration of canned mashed sweet potatoes. U. S. v. 119 Cases of Sweet Potatoes. Decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 12810. Sample Nos. 80503-F, 80504-F.)

LIBEL FILED: June 26, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 28, 1944, by Marion T. Fannaly, Inc., from Ponchatoula, La.

PRODUCT: 119 cases, each containing 24 cans, of mashed sweet potatoes at St. Louis, Mo.

LABEL, IN PART: "C. C. Brand Mashed Sweet Potatoes * * * Packed by Colonial Cannery, Inc., Independence, La."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 16, 1944. The Rosen Brokerage Co., St. Louis, Mo., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion.

FROZEN VEGETABLES

6152. Adulteration of frozen cut golden wax beans and green beans. U. S. v. 818 Cases of Frozen Cut Golden Wax Beans (and 1 other seizure action against frozen beans). Default decrees of condemnation and destruction. (F. D. C. Nos. 12315, 12689. Sample Nos. 73706-F, 73708-F, 73727-F, 73728-F.)

LIBELS FILED: May 5 and June 14, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about March 29, 1944, by the California Bank, from Webster, N. Y.

PRODUCT: 818 25-pound cases of frozen cut golden wax beans and 1,108 25-pound cases of frozen cut green beans, at Los Angeles, Calif.

LABEL IN PART: "Fresh Frozen Cut Golden Wax [or "Green"] Beans * * * Southland Products Co. New York."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances.

DISPOSITION: June 2, and August 8, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

6153. Adulteration of frozen beans. U. S. v. 144 Cartons, 517 Cartons, and 206 Cartons of Frozen Beans. Default decree of condemnation and destruction. (F. D. C. No. 12906. Sample Nos. 68112-F, 68113-F, 68114-F.)

LIBEL FILED: July 10, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about April 25, 1944, by the W. M. Storage Corporation, Wallington, N. Y.

PRODUCT: 659 25-pound cartons, 2 12½-pound cartons, and 206 12-pound cartons of frozen beans at Cleveland, Ohio.

LABEL, IN PART: (Cartons) "Fresh Frozen Cut Golden Wax Beans [or "Fresh Frozen Cut Green Beans Refugee," or "Fresh Frozen Whole Baby Green Beans Refugee"] * * * Southland Products Co. New York."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 14, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6154. Adulteration of frozen cut wax beans. U. S. v. 261 Cases of Golden Wax Beans. Default decree of condemnation and destruction. (F. D. C. No. 12884. Sample No. 68115-F.)

LIBEL FILED: July 7, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 2, 1944, by the William Edwards Co., Webster, N. Y.

PRODUCT: 261 cases, each containing 25 pounds, of frozen cut wax beans, at Cleveland, Ohio.

LABEL, IN PART: (Cases) "Fresh Frozen Cut Golden Wax Beans * * * Southland Products Co. New York."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6155. Adulteration of frozen cut green beans. U. S. v. 294 Cartons of Frozen Cut Green Beans. Default decree of condemnation and destruction. (F. D. C. No. 12385. Sample No. 54462-F.)

LIBEL FILED: May 24, 1944, Northern District of Indiana.

ALLEGED SHIPMENT: On or about October 23, 1943, by Okeena Canning Co., Dyersburg, Tenn.

PRODUCT: 294 cartons, each containing 25 pounds, of frozen cut green beans at Fort Wayne, Ind.

LABEL, IN PART: (Cartons) "Okeena Brand Fancy Fresh Frozen Cut Beans."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6156. Adulteration of frozen brussels sprouts. U. S. v. 150 Cartons of Frozen Brussels Sprouts. Default decree of condemnation and destruction. (F. D. C. No. 12340. Sample No. 70785-F.)

LIBEL FILED: May 16, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about March 16, 1944, by Sacramento Frosted Foods, from Sacramento, Calif.

PRODUCT: Frozen brussels sprouts, 150 cartons, each containing 18 pounds, at Mt. Vernon, Wash.

LABEL IN PART: (Cartons) "Packed By Sacto Frosted Foods Sacramento Cal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: September 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6157. Adulteration of frozen spinach. U. S. v. 63 Cases of Frozen Spinach. Default decree of condemnation and destruction. (F. D. C. No. 12430. Sample No. 60427-F.)

LIBEL FILED: May 24, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about April 22, 1944, by the S. A. Moffett Co., from Seattle, Wash.

PRODUCT: 63 cases, each containing 24 cartons, of frozen spinach at Oakland, Calif.

LABEL, IN PART: (Cartons) "Polar Frosted Foods Spinach."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids and larvae.

DISPOSITION: July 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS VEGETABLES*

6158. Adulteration of blackeye beans. U. S. v. 7 Bags of Blackeye Beans. Default decree of condemnation. Product ordered delivered to the National Zoological Park. (F. D. C. No. 12355. Sample No. 79518-F.)

LIBEL FILED: May 10, 1944, District of Columbia.

PRODUCT: 7 100-pound bags of blackeye beans at Washington, D. C., in possession of the Atlantic Hotel Supply Co.

The lot was stored under insanitary conditions. Rodent pellets and urine stains were found on the bags. Examination of samples showed that the beans had been contaminated with rodent urine and contained rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: June 26, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park.

6159. Misbranding of onions. U. S. v. Justman-Frankenthal Company and Howard William Grimsley. Pleas of guilty. Each defendant fined \$175. (F. D. C. No. 11401. Sample Nos. 23482-F, 41116-F, 56343-F, 57904-F to 57906-F, incl., 57912-F, 57913-F.)

INFORMATION FILED: On June 16, 1944, in the District of Colorado, against the Justman-Frankenthal Co., a partnership, and Howard W. Grimsley, an individual, Crowley and Ordway, Colo.

ALLEGED SHIPMENT: From on or about October 8 to 13, 1943, from the State of Colorado into the States of Pennsylvania, New York, Illinois, Louisiana, New Jersey, and Kentucky.

*See also No. 6009.

LABEL, IN PART: "Scoop [or "Scoop Brand"] Onions 50 lbs."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that the statements "50 Lbs.," or "50 Lbs. Net," borne on the sacks, were false and misleading because the product was short-weight; and, Section 403 (e) (2), in that the article was in package form and its label failed to bear an accurate statement of the quantity of the contents since the sacks contained less than the "50 Lbs." declared.

DISPOSITION: July 1, 1944. Pleas of guilty having been entered, each defendant was fined \$25 on each of the 7 counts, a total fine of \$350.

6160. Adulteration of green split peas. U. S. v. 13 Bags of Green Split Peas. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 12300. Sample No. 79506-F.)

LABEL FILED: May 1, 1944, District of Columbia.

PRODUCT: 13 100-pound bags of peas at Washington, D. C., in possession of M. E. Horton, Inc.

The product was stored under insanitary conditions. Rat pellets were scattered all over and around the storage, and some of the bags had been torn by rodents. Examination of samples showed that the product contained rodent hairs and insect fragments and was contaminated with rodent urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: June 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park for its use and not for sale.

6161. Adulteration of split peas. U. S. v. 410 Sacks of Yellow Split Peas. Decree of condemnation. Product ordered released under bond to be brought into conformity with the law. (F. D. C. No. 12501. Sample No. 60051-F.)

LABEL FILED: June 7, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about January 28, 1944, from Lewiston, Idaho, to San Francisco, Calif.

PRODUCT: 410 sacks of yellow split peas in possession of the Central Warehouse & Drayage Co., San Francisco, Calif.

The lot was stored, after shipment, under insanitary conditions. Some of the bags had been chewed by rodents, and rodent excreta and urine stains were found on the bags. Examination of samples showed that the product contained rodent hairs and had been contaminated with rodent urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and contamination with rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: June 22, 1944. The Central Warehouse & Drayage Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

6162. Misbranding of potatoes. U. S. v. George L. Higgins and Roy L. Higgins (Higgins Potato Co.). Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 11395. Sample No. 47278-F.)

INFORMATION FILED: June 20, 1944, in the District of North Dakota, against George L. Higgins, and Roy L. Higgins, trading as the Higgins Potato Co., Grand Forks, N. Dak.

ALLEGED SHIPMENT: On or about September 18, 1943, from the State of North Dakota into the State of Tennessee.

LABEL, IN PART: (Sacks) "Valley Pride Table Seed Genuine Red River Valley Potatoes."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that the statements "100 Lbs. Net," and "Distributed by Michael Swanson Brady Produce Company Moorhead, Minn. Kansas City, Mo.," borne on the sacks, were false and misleading because the sacks did not each contain 100 pounds of potatoes, but contained a smaller amount, and the product had not been distributed by the Michael Swanson Brady Produce Company of Moorhead, Minn. and Kansas City, Mo.; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: July 20, 1944. The defendants having entered a plea of guilty, the court imposed a fine of \$100 and costs.

TOMATOES AND TOMATO PRODUCTS

6163. Adulteration of canned tomatoes. U. S. v. 347 Cases, 50 Cases, and 59 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 11147. Sample Nos. 47723-F, 47724-F.)

LABEL FILED: On or about November 22, 1943, Western District of Arkansas.

ALLEGED SHIPMENT: On or about September 22, 1943, by Louis Kurtz, from Tulsa, Okla.

PRODUCT: Tomatoes: 347 cases, each containing 24 cans, and 109 cases, each containing 48 cans, at Fayetteville, Ark.

LABEL, IN PART: (Cans) "Staff-O-Life Brand * * * Distributed by Cannors Exchange Inc., Springfield, Mo.," or "Big League Brand Tomatoes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance, was contaminated with viable micro-organisms, and was undergoing progressive decomposition.

DISPOSITION: September 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6164. Adulteration of tomato juice. U. S. v. Wallace W. Dale (Orleans County Canning Co.). Plea of guilty. Fine of \$200 on count 1; fines of \$200 each on counts 2 and 3 suspended. (F. D. C. No. 10621. Sample Nos. 19629-F, 20275-F, 35508-F.)

INFORMATION FILED: On January 17, 1944, in the Western District of New York, against Wallace W. Dale, trading as the Orleans County Canning Co., Albion, N. Y.

ALLEGED SHIPMENT: On or about January 25 and May 15, 1943, from the State of New York into the States of Massachusetts and North Carolina.

LABEL, IN PART: "Dale Brand * * * Tomato Juice * * * Packed by Orleans County Canning Co. Barre Center, N. Y.," "Stuart * * * Tomato Juice * * * Packed For M. Stoll & Co., Boston, Mass., Distributors," or "Tona Tomato Juice * * * The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributors."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed tomato material.

DISPOSITION: June 12, 1944. A plea of guilty was entered, and on June 26, 1944, the defendant was fined \$200 on count 1, and fines of \$200 each on counts 2 and 3 were suspended.

6165. Adulteration and misbranding of tomato paste. U. S. v. 20 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 12163. Sample No. 51996-F.)

LABEL FILED: April 10, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 2, 1943, by the Orleans County Canning Co., from Albion, N. Y.

PRODUCT: 20 cases, each containing 100 cans, of tomato paste, at Newtonville, Mass.

LABEL, IN PART: "Dale King Packed Tomato Paste With Basil."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403(g) (1), it purported to be and was represented as tomato paste, a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to the definition and standard since it contained less than 25 percent of salt-free solids.

DISPOSITION: June 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6166. Adulteration of tomato puree. U. S. v. 142 Cases and 146 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 12259. Sample Nos. 46898-F, 46900-F.)

LIBEL FILED: April 27, 1944, Northern District of Indiana.

ALLEGED SHIPMENT: On or about March 4 and 23, 1944, by the St. Marys Packing Co., Delphos, Ohio.

PRODUCT: 288 cases, each containing 48 cans, of tomato puree, at Bluffton, Ind.

LABEL, IN PART: (Cans) "Mello-Glo * * * Tomato Puree," or "Deerwood Brand Tomato Puree Distributed by United Buyers Corporation Chicago-San Francisco."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed tomato material.

DISPOSITION: June 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6167. Adulteration of tomato puree. U. S. v. 275 Cases of Puree of Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 12444. Sample No. 52097-F.)

LIBEL FILED: May 27, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 19, 1944, by the Sharp Canning Co., Ohio City, Ohio.

PRODUCT: 275 cases, each containing 6 No. 10 cans, of tomato puree at Springfield, Mass.

LABEL, IN PART: (Cans) "Rockford Brand Puree of Tomatoes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6168. Adulteration of tomato puree. U. S. v. 1,496 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 12629. Sample No. 75804-F.)

LIBEL FILED: June 6, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about April 4, 1944, by the Uco Foods Corporation, Bridgeton, N. J.

PRODUCT: 1,496 cases, each case containing 6 No. 10 unlabeled cans, of tomato puree at Lockport, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: July 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6169. Adulteration of tomato relish. U. S. v. 650 Cases of Tomato Relish (and 1 other seizure action against tomato relish). Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond. (F. D. C. Nos. 11481, 12475. Sample Nos. 41429-F, 41554-F.)

LIBELS FILED: On or about December 27, 1943, and May 31, 1944, Western and Southern Districts of Texas.

ALLEGED SHIPMENT: On or about September 22, and October 7, 1943, by the Mayfair Food Products Co., Chicago, Ill.

PRODUCT: Tomato Relish: 20 cases, each containing 24 12-ounce jars, at Waco, Tex., and 650 cases, each containing 24 17-ounce jars, at Houston, Tex. Examination showed that the product was fermenting and the Waco lot, in addition, was underprocessed.

LABEL, IN PART: (Jars) "Mayfair Set Fresh Green Tomato Relish."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 22, 1944. The Mayfair Food Products Co., claimant for the Houston lot, having admitted that a portion of the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond for segregation of the portion that was fit for human consumption from the unfit portion, under the supervision of the Food and Drug Administration. No claimant having appeared for the Waco lot, judgment of condemnation was entered on March 4, 1944, and that lot was ordered destroyed.

NUTS AND NUT PRODUCTS

6170. Adulteration of shelled Spanish peanuts. U. S. v. 205 Bags of Shelled Spanish Peanuts. Decree of condemnation. Product ordered released under bond for cleaning. (F. D. C. No. 12826. Sample No. 53679-F.)

LIBEL FILED: June 29, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about May 3, 1944, by Burroughs & Jennings, from San Antonio, Tex.

PRODUCT: 205 bags, each containing approximately 113 pounds, of shelled Spanish peanuts at Los Angeles, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance.

DISPOSITION: July 14, 1944. The Los Angeles Nut House, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning by removal of the extraneous and foreign substances contained in the bags and the cleaning of the nuts, under the supervision of the Food and Drug Administration. The unfit portion was denatured with kerosene.

6171. Adulteration of peanuts. U. S. v. 225 Bags of Peanuts. Consent decree of condemnation. Product ordered released for segregation and destruction of the unfit portion. (F. D. C. No. 12404. Sample No. 77287-F.)

LIBEL FILED: May 19, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about March 6, 1944, by the H. C. Williams Peanut Co., Ashburn, Ga.

PRODUCT: 225 100-pound bags of peanuts at West New York, N. J.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in part of filthy and decomposed substances, dirty, moldy, and decomposed peanuts, stones, stems, and pieces of hull.

DISPOSITION: July 24, 1944. President Products, Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for elimination of the objectionable material under the supervision of the Food and Drug Administration.

6172. Adulteration of shelled peanuts. U. S. v. 387 Bags of Shelled Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12453. Sample No. 80084-F.)

LIBEL FILED: May 26, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 30, 1944, by the Leesburg Peanut Co., from Leesburg, Ga.

PRODUCT: 387 bags, each containing 120 pounds, of shelled peanuts, at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of dirty and rancid peanuts.

DISPOSITION: June 30, 1944. The National Candy Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

6173. Adulteration of peanut butter. U. S. v. 171 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 12464. Sample No. 52262-F.)

LIBEL FILED: May 31, 1944, District of Rhode Island.

ALLEGED SHIPMENT: On or about April 14, 1944, by the Nut Food Co., Inc., from New Haven, Conn.

PRODUCT: 171 cases, each containing 24 1-pound jars, of peanut butter at Providence, R. I.

LABEL, IN PART: "Armour's Star * * * Peanut Butter * * * Armour and Company Distributors * * * Chicago, Ill."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6174. Misbranding of mustard and peanut butter. U. S. v. Food Specialties, Inc. Plea of guilty. Fine, \$25. (F. D. C. No. 10544. Sample Nos. 31892-F, 31894-F, 31896-F, 49018-F, 49176-F, 49177-F.)

INFORMATION FILED: On May 16, 1944, in the Southern District of Indiana, against Food Specialties, Inc., Indianapolis, Ind.

ALLEGED SHIPMENT: From on or about September 28, 1942, to November 22, 1943, from the State of Indiana into the State of Ohio.

LABEL, IN PART: "Contents 1 Pint Newton's Pure Mustard * * * Packed by Newton Mfg. Co., Cincinnati, Ohio," or "Ambassador * * * Mustard [or "Peanut Butter"]."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Contents 1 Pint," borne on the jars of mustard, and the statements "Net Wt. 1 Lb." and "Net Wt. 9 Oz.," borne on the jars of peanut butter, were false and misleading as applied to articles that were short-weight; and, Section 403 (e) (2), the articles were in package form and failed to bear labels containing an accurate statement of the quantity of the contents.

DISPOSITION: June 3, 1944. The defendant having entered a plea of guilty, a fine of \$25 was imposed.

6175. Misbranding of peanut butter. U. S. v. 951 Cases and 726 Cases of Peanut Butter. Consent decree of condemnation. Product ordered released under bond to be refilled or repackaged. (F. D. C. No. 12032. Sample No. 57230-F.)

LABEL FILED: March 27, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about September 8, 1943, from Waverly, N. Y., by the Grand Union Co.

PRODUCT: 951 cases, each containing 24 12-ounce jars, and 726 cases, each containing 12 1½-pound jars, of peanut butter at Carlstadt, N. J.

LABEL, IN PART: "Georgia Gold Net Weight 12 Ozs. [or "Net Wt. 1 Lb. 8 Ozs."] Peanut Butter Manufactured by Cherokee Products Co. Haddick, Ga."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that the statements "Net Weight 12 Ounces," and "Net Weight 1 Lb. 8 Ozs.," were false and misleading as applied to an article that was short-weight; and, Section 403 (e) (2), in that the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: June 1, 1944, the Cherokee Products Co. having appeared as claimant and admitted the allegations of the libel, a consent decree of condemnation was entered and the product was ordered released under bond to be repackaged or refilled to the declared weight.

6176. Misbranding of peanut butter. U. S. v. 35 Cases of Peanut Butter. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 11149. Sample No. 50111-F.)

LABEL FILED: November 24, 1943, Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 12, 1943, by the Moss Bros. Nut Co., Pittsburgh, Pa.

PRODUCT: 35 cases, each containing 24 jars, of peanut butter, at Youngstown, Ohio.

LABEL, IN PART: (Jars) "Radiant Double A-A Grade Peanut Butter * * * Net Wt. 1 Lb."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Net Wt. 1 Lb.," appearing in the labeling, was false and misleading as applied to an article that was short-weight; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: June 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

6177. Adulteration of toasted pecans and sugar-coated, toasted pecans. U. S. v. 12 Drums of Toasted Pecans and 10 Metal Containers of Sugar Coated Toasted Pecans. Decrees of condemnation and destruction. (F. D. C. Nos. 12835, 12926. Sample Nos. 28877-F, 63334-F.)

LIBELS FILED: June 30 and July 19, 1944 (latter libel amended August 26, 1944), Southern District of Florida and Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about June 9 and 10, 1944, by the Dairy & Ice Cream Supply Co., Atlanta, Ga.

PRODUCT: 40 pounds of toasted pecans at Raleigh, N. C., and 10 50-pound containers of sugar-coated, toasted pecans at Jacksonville, Fla.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of larvae, larva fragments, insect fragments, beetles, and, in one lot, rodent hair fragments.

DISPOSITION: August 14 and September 11, 1944, no claimant having appeared for the goods seized at Raleigh, and the claimant for the goods seized at Jacksonville having withdrawn its claim and answer, judgments of condemnation were entered and the products were ordered destroyed.

6178. Adulteration of piñon nuts. U. S. v. 40 Sacks of Piñon Nuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12492. Sample No. 73309-F.)

LIBEL FILED: June 7, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about November 22, 1943, by the Charles Ilfeld Co., from Gallup, N. Mex.

PRODUCT: 40 sacks, each containing about 80 pounds, of piñon nuts at San Francisco, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent and manure pellets, dirt, twigs, and nondescript foreign material.

DISPOSITION: June 27, 1944. John G. Ziel, trading as Ziel & Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was subsequently segregated and destroyed.

6179. Adulteration of walnut meats. U. S. v. 10 Cases of Walnut Meats. Default decree of condemnation and destruction. (F. D. C. No. 12376. Sample No. 71708-F.)

LIBEL FILED: May 20, 1944, District of Idaho.

ALLEGED SHIPMENT: On or about November 23, 1943, by the California Nut Co., from Los Angeles, Calif.

PRODUCT: 10 cases, each containing 25 pounds, of walnut meats, at Nampa, Idaho.

LABEL, IN PART: "Std Ambers Walnut Meats."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of moldy and insect-damaged walnut meats.

DISPOSITION: July 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OILS

6180. Adulteration and misbranding of oil. U. S. v. 28 Cans of Oil. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 12301. Sample No. 67469-F.)

LIBEL FILED: May 8, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 9, 1944, by the Western Food Corporation, Chicago, Ill.

PRODUCT: 28 cans of oil at Cleveland, Ohio.

LABEL, IN PART: (Main panels) "W-F-C Liguria Superfine Brand An excellent Composition of 80% vegetable and 20% of Pure Virgin Olive Oil," and a design of medals.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a substance which consisted essentially of corn oil and which contained not over 9 percent of olive oil had been substituted for "80% vegetable oil and 20% of Pure Virgin Olive Oil," which the article was represented to be.

Misbranding, Section 403 (a), the statement, "An Excellent Composition of 80% vegetable oil and 20% of Pure Virgin Olive Oil" was false and misleading; in addition, the prominent word "Liguria," which is the name of an Italian province, and the design of medals, coupled with the prominent statement "Pure Virgin Olive Oil," were misleading since they created the impression that the article was a foreign product; and, Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient since vegetable oil is not the common or usual name for corn oil.

DISPOSITION: August 10, 1944. The Western Food Corporation having appeared as claimant and consented to the entry of the decree, judgment of condemnation was entered and the product was ordered released under bond for removal of the contents of the cans into a properly labeled container, under the supervision of the Food and Drug Administration.

6181. Misbranding of olive oil. U. S. v. 95 Cans of Olive Oil. Consent decree of condemnation. Product ordered released under bond to be emptied into storage tanks for use in blending edible oils. (F. D. C. No. 12432. Sample No. 76372-F.)

LABEL FILED: On or about May 25, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about March 1, 1944, by the Balbo Oil Co., from Brooklyn, N. Y.

PRODUCT: 95 cans of olive oil at New Haven, Conn.

LABEL, IN PART: (Cans) "One Gallon Net Cellini Brand Pure Olive Oil."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that the statement "One Gallon Net" was false and misleading as applied to an article that was short-volume; and, Section 403 (e) (2), in that it was in package form and failed to bear a label which contained an accurate statement of the quantity of the contents.

DISPOSITION: August 10, 1944. Meyer Mester and Murray Mester, doing business as the Balbo Oil Co., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be emptied into storage tanks, for use in blending edible oils, under the supervision of the Food and Drug Administration.

6182. Misbranding of oil. U. S. v. 76 Gallons of Oil. Default decree of condemnation. Two cans ordered delivered to the Food and Drug Administration; remainder ordered transferred to the U. S. Marine Hospital. (F. D. C. No. 12122. Sample No. 66373-F.)

LABEL FILED: April 3, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 7, 1944, by the Caruso Products Distributing Corporation, from Newark, N. J.

PRODUCT: 76 1-gallon cans of oil at Brooklyn, N. Y.

LABEL, IN PART: "Signora Brand * * * Corn and Olive Oil * * * Packed For J. Guarino Newark, N. J."

VIOLATION CHARGED: Misbranding, Section 403 (a), the prominent statement "Corn and Olive Oil," on the labeling, was misleading as applied to the article, which consisted essentially of corn oil, and which contained little or no olive oil.

DISPOSITION: June 27, 1944. No claimant having appeared, judgment of condemnation was entered, and two cans were ordered delivered to the Food and Drug Administration. The remainder was ordered transferred to the U. S. Marine Hospital for consumption and not for sale.

POULTRY

6183. Adulteration and misbranding of dressed poultry. U. S. v. P. G. Gray, Jr. Plea of guilty. Fine, \$200 and costs. (F. D. C. No. 11411. Sample Nos. 57443-F to 57445-F, incl.)

LABEL FILED: On June 13, 1944, in the Northern District of Iowa, against P. G. Gray, Jr., Estherville, Iowa.

ALLEGED SHIPMENT: On or about October 6 and 11, 1943, from the State of Iowa into the State of New York

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of poultry that was diseased at the time of slaughter.

Misbranding, Section 403 (e) (1), the article was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents in terms of weight; and, Section 403 (i) (1), its label failed to bear the common or usual name of the food.

DISPOSITION: June 13, 1944. A plea of guilty having been entered by the defendant, a fine of \$50 on each of 4 counts, a total of \$200 and costs, was imposed.

6184. Adulteration of dressed poultry. U. S. v. Sunflower Poultry & Egg Co. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 11388. Sample No. 46500-F.)

INFORMATION FILED: On April 3, 1944, in the District of Kansas, against the Sunflower Poultry & Egg Co., a corporation, McPherson, Kans.

ALLEGED SHIPMENT: On or about September 1, 1943, from the State of Kansas into the State of Illinois.

LABEL, IN PART: (Portion of product) "Lady Aster Finer Quality Poultry J. Manaster Company Chicago, Ill."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; and, Section 402 (a) (5), it was in whole or in part the product of poultry that was diseased at the time of slaughter.

DISPOSITION: September 11, 1944. A plea of nolo contendere having been entered, a fine of \$250 was imposed.

6185. Adulteration of poultry. U. S. v. F. M. Stamper Co., a corporation. Plea of nolo contendere. Total fine, \$300. (F. D. C. No. 10572. Sample Nos. 22022-F, 22024-F to 22026-F, incl.)

INFORMATION FILED: On September 24, 1943, in the Eastern District of Missouri, against the F. M. Stamper Co., a corporation, St. Louis, Mo.

ALLEGED SHIPMENT: From on or about August 10 and September 13, 1942, from the State of Missouri into the State of Pennsylvania.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; and, Section 402 (a) (5), it was in whole or in part the product of diseased animals.

DISPOSITION: June 5, 1944. A plea of nolo contendere having been entered, a fine of \$100 on each of 3 counts was imposed.

SPICES AND FLAVORS*

6186. Adulteration of coriander seed. U. S. v. 18 Bags of Coriander Seed. Default decree of condemnation and destruction. (F. D. C. No. 12057. Sample Nos. 64845-F, 64853-F.)

LIBEL FILED: March 30, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about March 6, 1943, by Herbert Hahn, from Blackfoot, Idaho.

PRODUCT: Coriander seed, 18 bags, each containing 50 pounds, at Seattle, Wash.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and insects.

DISPOSITION: September 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6187. Adulteration of fennel seed. U. S. v. 9 Bags of Fennel Seed. Default decree of condemnation and destruction. (F. D. C. No. 12008. Sample Nos. 70772-F, 70773-F.)

LIBEL FILED: March 27, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about May 6, 1941, by Levy & Levis Co., Inc., from New York, N. Y.

PRODUCT: 9 bags, each containing about 150 pounds, of fennel seed at Seattle, Wash.

*See also Nos. 6004, 6174.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: June 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6188. Adulteration of ginger. U. S. v. 45 Bags of Ginger. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 12313. Sample No. 72152-F.)

LIBEL FILED: May 4, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 16, 1944, by Chas. T. Wilson, Inc., from Chicago, Ill.

PRODUCT: 45 bags, each containing 130 pounds, of ginger at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, and insect excreta.

DISPOSITION: May 27, 1944. The David G. Evans Coffee Company, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. On June 6, 1944, a decree for cancellation of bond was filed since the product had been denatured and sold for use in animal food.

6189. Adulteration and misbranding of ground black pepper. U. S. v. 53 Cases of Ground Black Pepper. Default decree of condemnation. Product ordered delivered to local hospitals. (F. D. C. No. 12688. Sample No. 68018-F.)

LIBEL FILED: June 15, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 31, 1944, by the LaSalle Manufacturing Co., Chicago, Ill.

PRODUCT: 53 cases, each containing 24 cans, of ground black pepper, at Dayton, Ohio.

LABEL IN PART: (Cans) "Florence Nightingale Pure Ground Black Pepper."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), in that a substance consisting of ground, delinted cottonseed hulls, soybean meal, and ground black pepper had been substituted in whole or in part for pure ground black pepper which the article was represented to be; and, Section 402 (b) (4), in that ground delinted cottonseed hulls and soybean meal had been added or mixed or packed with the article so as to reduce its quality or strength.

Misbranding, Section 403 (a), in that the name "Pure Ground Black Pepper" was false and misleading.

DISPOSITION: August 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to local hospitals.

6190. Adulteration of sesame seed. U. S. v. 48 Bags of Sesame Seed. Consent decree of condemnation. Product ordered released to be brought into compliance with the law. (F. D. C. No. 12654. Sample No. 81730-F.)

LIBEL FILED: June 9, 1944, Southern District of New York.

ALLEGED SHIPMENT: Imported on or about August 1, 1942, from S. M. Rajgor & Co., Bombay, India.

PRODUCT: 48 bags, each containing 165 pounds, of sesame seed at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence therein of insects, larvae, pupae, and insect fragments.

DISPOSITION: July 10, 1944. Richard J. Spitz, New York, N. Y., claimant, having admitted the allegations in the libel; judgment of condemnation was entered and the product was ordered released, either under bond or upon deposit of cash collateral, to be brought into compliance with the law by fumigation and cleaning, under the supervision of the Food and Drug Administration.

6191. Adulteration of pickling whole spice. U. S. v. 47 Cartons of Pickling Whole Spice. Default decree of condemnation and destruction. (F. D. C. No. 12349. Sample No. 71612-F.)

LIBEL FILED: May 18, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about March 28 and April 7, 1944, by A. Schilling & Co., from San Francisco, Calif.

PRODUCT: Pickling whole spice, 47 cartons, each containing 12 2-ounce packages, at Seattle, Wash.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, insect fragments, and insect excreta; and, Section 402 (a) (4), it had been packed under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6192. Adulteration of imitation lemon flavor. U. S. v. 15 Cases and 12 Cases of Imitation Lemon Flavor. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 12659. Sample Nos. 79901-F, 79902-F.)

LIBEL FILED: June 9, 1944, District of Maryland.

ALLEGED SHIPMENT: On or about March 7 and 10, 1944, by the Whitehall Food Manufacturing Corporation, Brooklyn, N. Y.

PRODUCT: 15 cases, each containing 24 bottles, and 12 cases, each containing 24 jugs, of imitation lemon flavor, at Baltimore, Md.

LABEL, IN PART: "Maison Royal * * * Imitation Lemon Flavor."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), in that a solution containing a trace of citral, having little or no value as a flavoring, had been substituted in whole or in part for "Imitation Lemon Flavor"; Section 402 (b) (3), in that inferiority had been concealed by mixing with water and color; and Section 402 (b) (4), in that water had been added thereto so as to reduce the strength of the product, and color had been added thereto so as to make it appear better or of greater value than it was.

DISPOSITION: July 14, 1944. No claimant having appeared, judgment of condemnation was entered and the product was delivered to charitable institutions.

6193. Adulteration and misbranding of vanilla extract. U. S. v. 20 1-Gallon Jugs of Vanilla Bean Extract. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 12329. Sample No. 77504-F.)

LIBEL FILED: May 6, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about March 31, 1944, by Richard Frank & Co., New York, N. Y.

PRODUCT: 24 1-gallon jugs of vanilla bean extract at South Orange, N. J.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a substance, vanilla extract containing added vanillin, an artificial flavor, had been substituted in whole or in part for vanilla, which the article purported to be.

Misbranding, Section 403 (a), the statement appearing on the label, "Vanilla Bean Extract Absolutely Pure * * * Vanilla," was false and misleading as applied to vanilla extract containing artificial flavor; Section 403 (b), the article was offered for sale under the name of another food, vanilla; and, Section 403 (k), the product contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: July 24, 1944. Richard Frank & Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond for relabeling under the supervision of the Food and Drug Administration.

MISCELLANEOUS FOODS*

6194. Adulteration and misbranding of gift packages. U. S. v. 438 Gift Packages. Default decree of condemnation. Fit portion ordered sold and unfit portion ordered destroyed. (F. D. C. No. 11262. Sample No. 39521-F.)

LIBEL FILED: December 18, 1943, Southern District of California.

ALLEGED SHIPMENT: On or about June 23, 1943, by the Bettman Nut Co., from New York, N. Y.

*See also No. 6046.

PRODUCT: 438 1½-pound gift packages at Los Angeles, Calif.

The article consisted of a cellophane-wrapped pottery casserole which contained two layers. The top layer, which was visible through the cellophane, consisted of a 2½-ounce jar of jelly in a pleated paper cup, surrounded by 6 paper cups containing wrapped candies and 2 paper cups containing cookies. The bottom layer was a jumble pack of small cookies.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article contained cookies which were unfit for food since they were stale and rancid.

Misbranding, Section 403 (d), the container was so filled as to be misleading, since the bottom layer, which could not be seen by the purchaser, consisted entirely of cookies which were of less value than the top layer.

DISPOSITION: September 13, 1944. No claimant having appeared, judgment of condemnation was entered and the assorted candies and jellies which constituted the fit portion of the article were ordered sold, as well as the pottery casserole. The cookies which constituted the unfit portion were ordered destroyed.

6195. Adulteration of baker's yeast. U. S. v. 35 Bags of Baker's Yeast. Default decree of condemnation and destruction. (F. D. C. No. 13348. Sample No. 63349-F.)

LIBEL FILED: August 17, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about July 3, 1944, by Henry A. Kohman, from Pittsburgh, Pa.

PRODUCT: Baker's yeast, 35 bags, each containing 10 pounds, at Atlanta, Ga.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6196. Misbranding of Butex. U. S. v. 8 15-Pound Drums and 1 25-Pound Drum of Butex. Default decree of condemnation and destruction. (F. D. C. No. 12414. Sample No. 69898-F.)

LIBEL FILED: May 26, 1944. District of Colorado.

ALLEGED SHIPMENT: On or about March 10, 1944, by Weber and Mollner, Ltd., Los Angeles, Calif.

PRODUCT: 145 pounds of Butex at Denver, Colo.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that the label statements, "The Original and Only Butex A Unique Flavor Essence For 'That Butter-Like Taste' Made with Natural Flavoring Oils derived from Butter, fortified by Oils developed from a Fermented Culture, and processed with Certain Fixatives 'to keep the butter-like taste from baking out'. Enriches All Baking and Cooking," were false and misleading in that they implied that the article was essentially a natural butter flavoring, whereas it was essentially an artificial flavoring with little, if any, natural butter flavoring; and in that the statement "Enriches All Baking and Cooking" was false and misleading since the product did not enrich, but artificially flavored, food; Section 403 (c), the product was an imitation of another food, butter flavor, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and, Section 403 (i) (2), the article was a flavoring sold as such, fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient.

DISPOSITION: July 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

VITAMIN PREPARATIONS

6197. Adulteration and misbranding of Hiran and Kal Tablets. U. S. v. 52 Bottles of Hiran and 150 Bottles of Kal Tablets. Default decrees of condemnation and destruction. (F. D. C. No. 10969. Sample Nos. 55509-F, 55510-F.)

LIBELS FILED: October 21, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about May 21, June 28 and September 8, 1943, by Makers of Kal, Inc., from Los Angeles, Calif.

PRODUCT: Hiran, 28 bottles, each containing 100 tablets, and 24 bottles, each containing 350 tablets, at Seattle, Wash.; Kal Tablets, 12 bottles, each containing 650 tablets, 102 bottles, each containing 100 tablets, and 36 bottles, each containing 375 tablets, at Seattle, Wash.

Examination disclosed that the Hiran Tablets contained, per 6 tablets, 720 U.S.P. units of vitamin A and less than 225 U.S.P. units of vitamin D; and that the Kal Tablets contained approximately 750 U.S.P. units of vitamin D per 6 tablets.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, vitamins A (Hiran) and D (Hiran and Kal Tablets), had been in whole or in part omitted or abstracted from the products.

Misbranding, Section 403 (a), the statements appearing on the label of the Hiran, "Rich in * * * Vitamins A * * * D * * * Three tablets furnish * * * vitamins in the following quantity and percentage of the minimum daily adult requirement. * * * Vitamin A 2500 USP Units (Approx.) 62% * * * Vitamin D 450 USP Units (Approx.) 112%. Two tablets three times a day furnish * * * the following vitamins and percentages of the minimum daily adult requirement. Vitamin A 5000 USP Units (Approx.) 125% * * * Vitamin D 900 USP Units (Approx.) 225%," were false and misleading as applied to a product deficient in the stated amounts of vitamins A and D; and the statements appearing on the label of the Kal Tablets, "6 Kal Tablets Supply These Percentages of the Minimum Adult daily requirements * * * Vitamin D 1500 U.S.P. Units 375%," were false and misleading as applied to a product deficient in the stated amount of vitamin D.

DISPOSITION: July 29, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

6198. Adulteration and misbranding of Multi-Vitamin Gelucaps Tablets. U. S. v. 4,943,500 Multi-Vitamin Gelucaps Tablets. Consent decree of condemnation. Product released under bond for relabeling and reprocessing. (F. D. C. No. 12415. Sample No. 82209-F.)

LIBEL FILED: May 26, 1944. District of New Jersey.

ALLEGED SHIPMENT: From on or about March 22 to April 6, 1944, by the Keith-Victor Pharmacal Co., St. Louis, Mo.

PRODUCT: 4,943,500 Multi-Vitamin Gelucaps Tablets at Newark, N. J.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), in that a valuable constituent, vitamin A, has been in whole or in part omitted or abstracted from the product.

Misbranding, Section 403 (a), in that the statement in the labeling, "Each Spheroid Has Vitamin Potencies as Follows: Vitamin A (from Fish Liver Oil) 2500 USP units * * *," was false, since the article contained a lesser amount of vitamin A, not more than 50 percent of the quantity declared.

DISPOSITION: July 3, 1944. The Keith-Victor Pharmacal Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling, reprocessing, reconditioning, or salvage, under the supervision of the Food and Drug Administration.

6199. Adulteration of JXL Vitamin B Complex Tablets. U. S. v. 68 Bottles of JXL Vitamin B Complex Tablets. Default decree of condemnation and destruction. (F. D. C. No. 13325. Sample No. 81779-F.)

LIBEL FILED: August 10, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about June 7, 1944, by S. O. Barnes & Son, Gardena, Calif.

PRODUCT: JXL Vitamin B Complex Tablets, 68 bottles at Jackson Heights, Long Island, N. Y.

This product was sold as vitamin B complex tablets, but upon examination was found to consist of a drug containing laxative plant drugs.

LABEL, IN PART: "JXL Vitamin B Complex."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a laxative drug had been substituted in whole or in part for vitamin B complex, which the product was represented to be.

DISPOSITION: September 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6200. Misbranding of Huzzah A Vitamin B₁ & B₂ Supplement. U. S. v. 42 Cases of Huzzah A Vitamin B₁ & B₂ Supplement and 33 Cartons of Printed Material. Default decree of condemnation and destruction. (F. D. C. No. 12276. Sample No. 54833-F.)

LABEL FILED: May 5, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about November 20, 1943, by the Huzzah Corporation of America, from Chicago, Ill.

PRODUCT: 42 cases, each containing 12 1-pint bottles of the above-mentioned product, and 33 cartons containing a supply of circulars, a number of leaflets, and a number of display cards and streamers, at Milwaukee, Wis.

LABEL, IN PART: (Circular) "What Is Huzzah"; (leaflet) "Huzzah A Vitamin Drink Supplement"; and (display card and streamer) "Feel Better Tomorrow."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that certain statements which appeared in the labeling were false and misleading since they represented and suggested and created in the minds of readers the impression that use of the article would prevent physiological reactions due to overindulgence in alcoholic beverages; that it would prevent or correct various conditions named, including low resistance to alcoholic stimulants, nervousness, exhaustion, a fagged-out feeling, headaches, faulty digestion, lack of appetite, stunted growth, polyneuritis, and certain skin disorders; and that it would insure energy and strength, whereas it would not accomplish the results stated or implied; and Section 403 (a), in that the statement "This bottle conforms with all Federal Labeling Regulations of the Food and Drug Act of July, 1938," which appeared on the label, was misleading since it created the impression that the article and its labeling had been approved by the Food and Drug Administration and that it was in compliance with the law, whereas that was not true.

The product was also misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: June 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 6001 TO 6200

PRODUCTS

	N. J. No.		N. J. No.
Alfalfa meal	6105	Egg(s)	6096-6103
Alimentary pastes	6006-6010	drip, frozen	6103
Alsoy	6062	noodles	6008
Apple butter	6122	with fresh mushrooms	6009
chops	6118	Enriched flour	6054
jelly, with raspberry	6124	self-rising	6053
Apricot preserves	6123	Feeds and grains	6104, 6105
Beans, blackeye	6158	Fennel seed	6187
green, frozen	6152, 6153, 6155	Fig(s)	6119-6121
wax, frozen	6152-6154	paste	6126-6129
Beverages and beverage materials	6001-	Fish and shellfish	¹ 6106-6114
sirup	6005	Flavors. See Spices and flavors.	
stabilizer	6004	Flour	6017-6054
Blueberries, frozen	6115	Fruits and vegetables	² 6115-6169
Bone meal	6104	fruit, canned and frozen	6115-6117
Brandy, raisin	6001	dried	6118-6121
Brussels sprouts, canned	6133	jellies, preserves, and butters	6122-
frozen	6156		6125
Buckwheat flour	6038	miscellaneous fruit products	6126-
Butex	6196		6132
Butter	6087-6091	tomatoes and tomato products	6163-
flavoring	6196		6169
Cake mix	6046	vegetables, canned	6133-6151
Candy	6066-6075	frozen	6152-6157
Cane and maple (blend) sirup	6081	miscellaneous vegetables	6158-6162
Cereal binder	6055	Gift packages	6194
Cereals and cereal products	6006-6065	Ginger	6188
Cheese	6093-6095	Graham flour	6049
grated	6095	rye-graham flour	6038
Chickens. See Poultry.		Grains. See Feeds and grains.	
Cocoa	6077	Grapefruit juice	6130
substitute	6076	peel, diced	6131
Cod fillets, frozen	6106	Haddock fillets, frozen	6108
Coriander seed	6186	Hiran Tablets	6197
Corn, canned	6134	Huzzah (vitamin supplement)	6200
flour, gelatinized	6048	Jam. See Jellies, preserves, and butters.	
meal	6011-6016	Jellies, preserves, and butters	6122-6125
Crab meat	6110		
Cream meal. See Corn meal.			
Eel pout fillets, frozen	6107		
Effect-O	6005		

¹ (6114) Seizure contested. Contains findings of fact and conclusions of law.

² (6132) Seizure contested.

	N. J. No.		N. J. No.
JXL Vitamin B Complex Tablets	6199	Prune(s), canned	6117
Kal Tablets	6197	crush	² 6182
Lemon flavor, imitation	6192	Raspberry and raspberry-apple jelly,	
Macaroni	6006, 6007	jam or preserves	6124
Malted wheat flour	6050	Rice	6063-6065
Maple sirup	6079, 6080	flour	6051
cane and maple blend	6081	Royal Creme Fluff	6046
imitation maple	6078, 6083	Rye flour	6038, 6052
Meatex Wheat Endosperm	6059	rye-graham flour	6038
Milk, evaporated	6092	Sardines, canned	6109
Miscellaneous food products	6194-6200	Sauerkraut, canned	6149, 6150
Multi-Vitamin Gelucaps Tablets	6198	Self-rising flour	6029, 6036, 6037, 6040
Mushrooms, with egg noodles	6009	enriched	6053
Mustard	6174	Sesame seed	6190
Nuts and nut products	6170-6179	Shellfish	6110-6114
Oils, edible	6180-6182	Shrimp, frozen	6113, ¹ 6114
Olive(s)	6116	Sirup	6078-6083
oil	6181	Sorghum sirup	6082
Onions	6159	Soy beans	6060, 6062, 6063
Orange Dairy Mix	6002	grits	6061, 6062
Orange drink	6002	Spaghetti	6006
with pineapple	6003	dinner	6010
Oysters, canned	6111, 6112	Spices and flavors	6186-6193
Pastry flour (cake, pie, biscuit, etc.)	6040-6046	Spinach, frozen	6157
Peach preserves	6123	Sugar	6084-6086
peach-flavored spread	6125	Sweet potatoes, canned, mashed	6151
Peanut(s)	6170-6172	Tapioca	6016
butter	6173-6176	Tomato(es), canned	6163
Peas, canned	6135-6148	juice	6164
split	6160, 6161	paste	6165
Pecans, toasted	6177	puree	6166-6168
sugar-coated	6177	relish	6169
Pepper, ground, black	6189	Vanilla beverage sirup	6004
Phosphated flour	6033-6037, 6040	extract	6193
Pineapple and orange drink	6003	Vegetables. See Fruits and vegetables.	
Pineapple-flavored spread	6125	Vermicelli	6006
Piñon nuts	6178	Vitamin preparations	6197-6200
Popcorn	6056-6058	Walnut meats	6179
Potatoes	6162	Wheat endosperm	6059
sweet	6151	Whole spice, pickling	6191
Poultry	6183-6185	Whole wheat flour	6039
Preserves. See Jellies, preserves, and butters.		Yeast, bakers	6195

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Ace Preserves:		Beaver Valley Milling Co. (Division of Inland Mills, Inc.):	
peach-flavored spread and pineapple-flavored spread	6125	rye, rye graham, and buckwheat flour	6038
Acme Flour Mills Co.:		Beebe, A. M., Co., Inc.:	
phosphated flour and plain flour	6035	prunes, in sirup	6117
American Beauty Macaroni Co.:		Best Foods, Inc.:	
macaroni, spaghetti, and vermicelli	6006	flour	6032
American Conserving Co.:		Bettman Nut Co.:	
jellies and preserves	6124	gift packages	6194
American Roland Food Co.:		Bewley Mills:	
maple sirup	6080	corn meal	6013
Ams, Max, Inc.:		Blodgett, Frank H., Inc.:	
olives	6116	rye flour	6052
Arkansas City Cooperative Milk Assoc., Inc.:		Blue Ribbon Filets, Inc.:	
butter	6087	frozen cel pout filets	6107
Armour & Co.:		Bluff City Flour Co.:	
peanut butter	6173	biscuit flour	6045
Armour & Co. of Delaware:		Blum's:	
cheese	6093	candy	6069
Armour Creameries:		Blytheville Canning Co.:	
cheese	6093	canned peas	6142
Armstrong Popcorn Co.:		Booth Fisheries Corp.:	
popcorn	6058	frozen, headless shrimp	¹ 6114
Asher, Albert, Co.:		Borden Co.:	
dried figs	6119	evaporated milk	6092
Atkins, G. C.:		Brizius, Charles W., Co., Inc.:	
popcorn	6057	pie flour	6044
Atlantic Hotel Supply Co.:		Brown, Cecil, Fig Co.:	
blackeye beans	6158	apricot preserves and peach preserves	6123
B. & O. Transfer Co.:			
white fig paste	6126		
Balbo Oil Co.:			
olive oil	6181		
Barnes, S. O., & Son:			
JXL Vitamin B Complex Tablets	6199		

¹ (6114) Seizure contested. Contains findings of fact and conclusions of law.
² (6132) Seizure contested.

	N. J. No.		N. J. No.
Brownsville Canning Co.:		Fannaly, Marion T., Inc.:	
grapefruit juice-----	6130	canned mashed sweet potatoes---	6151
Burroughs & Jennings:		First National Stores, Inc.:	
shelled Spanish peanuts-----	6170	butter-----	6088
California Bank:		Flour Mills of America, Inc.:	
frozen golden wax beans and green		flour-----	6018
beans-----	6152	enriched-----	6054
California Nut Co.:		Food Specialties, Inc.:	
walnut meats-----	6179	mustard and peanut butter-----	6174
California Packing Co.:		40-Fathom Fish, Inc.:	
figs-----	6120	canned oysters-----	6111
Cambria Canning Corp.:		Fraering, J. S., Inc.:	
canned peas-----	6139	enriched, phosphated flour-----	6033
Canada Packers, Ltd.:		Frank, Richard, & Co.:	
frozen blueberries-----	6115	vanilla extract-----	6193
Canners Exchange, Inc.:		Fredericktown Milling Co.:	
canned tomatoes-----	6163	biscuit, pastry, and plain flour---	6045
Caruso Products Distributing Corp.:		Fredonia Canned Foods, Inc.:	
edible oil-----	6182	canned peas-----	6145
Central Warehouse & Drayage Co.:		Fredonia Canning Co.:	
split peas-----	6161	canned peas-----	6145
Chandler Laboratories:		Fremont Canning Co.:	
Effect-O-----	6005	canned peas-----	6136
Charms Salcs Co.:		Fresno Warehouse Co.:	
candy-----	6075	raisin brandy-----	6001
Cherokee Products Co.:		Frigid Food Products, Inc.:	
peanut butter-----	6175	frozen whole eggs-----	6100
Chippewa Canneries:		Gale & Co.:	
canned peas-----	6148	crab meat-----	6110
Coast Fishing Co.:		Gale Packing Co.:	
canned sardines-----	6109	crab meat-----	6110
Colonial Cannery, Inc.:		Gallagher, Daniel, Co.:	
canned mashed sweet potatoes---	6151	flour-----	6027
Colorado Brokerage Co.:		General Grocer Co.:	
canned peas-----	6136	grapefruit juice-----	6130
Colorado Milling & Elevator Co.:		General Seafoods, Inc.:	
flour-----	6024	canned oysters-----	6111
Columbia Canning Co.:		Golden's Pickle Works, Inc.:	
canned peas-----	6135	sauerkraut-----	6150
Commonwealth Ice and Cold Storage		Grand Union Co.:	
Co.:		peanut butter-----	6175
frozen haddock fillets-----	6108	Gray, P. G., Jr.:	
Continental Foods, Inc.:		poultry-----	6183
pastry flour-----	6041	Great Atlantic & Pacific Tea Co.:	
Country Gardens, Inc.:		canned peas-----	6146
canned peas-----	6147	tomato juice-----	6164
Crete Mills:		Grimsley, H. W.:	
flour-----	6022	onions-----	6159
Crown Products Corp.:		Guarino, J.:	
jellies and preserves-----	6124	edible oil-----	6182
Currier Lee Warehouse, Inc.:		Guggenlime & Co.:	
apple chops-----	6118	fig paste-----	6128
Dairy and Ice Cream Supply Co.:		sliced white figs-----	6121
cocoa-----	6077	Hahn, Herbert:	
pecans, toasted, and sugar-coated-	6177	coriander seed-----	6186
Dale, W. W.:		Harris Candy Co.:	
tomato juice-----	6164	candy-----	6070
Dauber Bros:		Hastings Mills:	
butter-----	6087	phosphated and self-rising flour---	6036
Demartini, L., Co.:		Henderson Produce Co.:	
prune crush-----	2 6132	frozen whole eggs-----	6102
Dodge City Flour Mills:		Heyd, C. G., & Co.:	
flour-----	6024	butter-----	6089
Domestic Egg Products, Inc.:		Higgins, G. L., and R. L.:	
frozen whole eggs-----	6101	potatoes-----	6162
Dorgan Packing Corp.:		Higgins Potato Co. See Higgins,	
canned oysters-----	6112	G. L., and R. L.	
Duling Brothers Co.:		Hill City Flour Co.:	
sugar-----	6085	corn meal-----	6012
Edgar, J. B.:		Horton, M. E., Inc.:	
corn meal-----	6011	green split peas-----	6160
Edwards, Jan. Candy Co.:		House of Fillets:	
candy-----	6068	frozen cod fillets-----	6106
Edwards, William, Co.:		Humphreys Mills:	
frozen golden wax beans-----	6154	corn meal-----	6011
Erlich, Nathan, Inc.:		Huzzah Corp. of America:	
frozen whole eggs-----	6096	Huzzah A Vitamin B ₁ and B ₂ Sup-	
Faehndrich, Wm., Inc.:		plement-----	6200
grated cheese-----	6095	Ilfeld, Charles, Co.:	
Fairmont Creamery Co.:		pignon nuts-----	6178
frozen whole eggs-----	6098	Imported Delicacies Co.:	
Fall River Canning Co.:		candy-----	6071
canned peas-----	6139, 6140	Inland Mills, Inc. See Beaver Valley	
		Milling Co.	
		International Milling Co.:	
		flour-----	6020

² (6132) Seizure contested.

	N. J. No.		N. J. No.
Iowa Products Co.: pineapple and orange drink-----	6003	Meyer's Egg Noodle Co.: egg noodles-----	6008
Italia Macaroni Co.: macaroni-----	6007	Mid-Central Produce Co.: butter-----	6091
J & J Candy Co.: candy-----	6074	Moffet, S. A., Co.: frozen spinach-----	6157
Jacks Cookie Co.: durum and cake flour-----	6043	Monmouth Products Co.: frozen blueberries-----	6115
Justman-Frankenthal Co.: onions-----	6159	Morello, Eugenio: raisin brandy-----	6001
Kansas Milling Co.: flour-----	6026, 6030	Moss Bros. Nut Co.: peanut butter-----	6176
malted wheat-----	6050	National Biscuit Co.: graham flour-----	6049
Keith-Victor Pharmacal Co.: Multi-Vitamin Gelucaps Tablets----	6198	National Tea Co.: canned peas-----	6147
Kelly, William, Milling Co.: plain flour and enriched, self-rising flour-----	6053	Nebraska Consolidated Mills: phosphated and self-rising flour----	6036
Kent Food Corp.: sauerkraut-----	6159	New Jersey Tobacco Co.: beverage sirup vanilla-----	6004
Kerr Bros.: sorghum sirup-----	6082	Newton Mfg. Co.: mustard-----	6174
Kerr, E. E.: sorghum sirup-----	6082	Northern Indiana Producers, Inc.: frozen egg drip-----	6103
Kimbell-Diamond Milling Co.: flour-----	6028	Northwest Dairy Forwarding Co.: butter-----	6088
King Grocery Co.: corn meal-----	6011	Nut Food Co., Inc.: peanut butter-----	6173
Kohman, H. A.: baker's yeast-----	6195	O'Donnell-Usen Fisheries Corp.: frozen haddock filets-----	6108
Krier Preserving Co.: canned peas-----	6141	Okeena Canning Co.: frozen green beans-----	6155
Kuehn, Otto L., Co.: frozen shrimp-----	6113	Ol' South Extract Co.: imitation maple sirup-----	6083
Kurtz, Louis: canned tomatoes-----	6163	Old Chateau Products: Orange Dairy Mix-----	6002
La Grange Mills: flour-----	6023	Orleans County Canning Co.: tomato juice-----	6164
Land O'Lakes Creameries, Inc.: butter-----	6090	paste-----	6165
Langlois Cheese Makers: cheese-----	6094	Oswald and Taube Co.: tapioca and cream meal-----	6016
Larabee Flour Mills Co.: whole wheat flour-----	6039	Pacific Fruit and Produce Co.: flour-----	6019
LaSalle Manufacturing Co.: ground black pepper-----	6189	rice-----	6065
Leach, L. E., Co.: Orange Dairy Mix-----	6002	Packers Supply Co.: Meatex Wheat Endosperm-----	6059
Lee Grocery Co.: canned corn-----	6134	Pantry Products Co.: peach-flavored spread and pine- apple-flavored spread-----	6125
Leesburg Peanut Co.: shelled peanuts-----	6172	Pardeeville Canning Co.: canned peas-----	6138
Levy & Levis Co., Inc.: fennel seed-----	6187	Perkins, Dan, Co.: durum flour-----	6047
Lippincott Fine Food, Inc. (Division of Max Ams, Inc.): olives-----	6116	Pfrang, Inc.: egg noodles-----	6008
Littlestown Canning Co., Inc.: canned peas-----	6143	Pillsbury Flour Mills Co.: durum and cake flour-----	6043
M & C Foods, Inc.: spaghetti dinner-----	6010	Pulis, D. J.: canned brussels sprouts-----	6133
McKesson & Robbins, Inc.: sugar-----	6084	Puritan Mills: self-rising and phosphated flour----	6037
Makers of Kal, Inc.: Hiran and Kal Tablets-----	6197	Rajgor, S. M., & Co.: sesame seed-----	6190
Maloney Trucking & Storage, Inc.: flour-----	6017	Richmond Milling & Grain Co., Inc.: corn meal-----	6015
Manaster, J., Co.: poultry-----	6184	Richmond Roller Mills: corn meal-----	6015
Mansfield, Russell: candy-----	6070	Riverdale Products Co.: bone meal-----	6104
Markesan Canning Co.: canned peas-----	6146	Robinson, J. B.: cocoa substitute-----	6076
Marshfield Dairy Products Co.: frozen whole eggs-----	6099	popcorn-----	6056
Marzipan Candy Co.: candy-----	6072	Roeding Fig & Olive Co.: fig(s)-----	6120
Master Brands of America: beverage sirup vanilla-----	6004	paste-----	6127
Mayfair Food Products Co.: sauerkraut-----	6149	Roney, J. C.: corn meal-----	6011
tomato relish-----	6169	Rose Warehouse Co.: cereal binder-----	6055
Mee Wah Lung: rice and soya beans-----	6063	corn flour, gelatinized-----	6048
Merchants Grocery Co.: flour-----	6025	Rosenberg Bros. & Co.: fig paste-----	6129
Metropolitan Pool Car Associates: imitation maple sirup-----	6078	Roundy, Peckham and Dexter Co.: apple butter-----	6122
		Sacramento Frosted Foods: frozen brussels sprouts-----	6156
		Sacto Frosted Foods: frozen brussels sprouts-----	6156

	N. J. No.		N. J. No.
Sagel, Harry :		Tiffany Extract Co. :	
candy-----	6071	maple sirup-----	6079, 6080
St. Marys Packing Co. :		Todd-Woolbright Co. :	
tomato puree-----	6166	enriched phosphated flour-----	6034
Sanitary Automatic Candy Co. :		Tremaine Alfalfa Milling Co. :	
candy-----	6066	alfalfa meal-----	6105
Sauk Lake Cooperative Creamery		Tuck Cheong & Co. :	
Assoc. :		rice-----	6064
butter-----	6089	Uco Foods Corp. :	
Schilling, A., & Co. :		tomato puree-----	6168
pickling whole spice-----	6191	Union Pacific Railroad Co. :	
Scott County Milling Co. :		imitation maple sirup-----	6078
corn meal-----	6014	United Buyers Corp. :	
Scully, D. B., Syrup Co. :		tomato puree-----	6166
apple butter-----	6122	United Grocery Co. :	
Sea Wall Warehouse Co. :		sugar-----	6086
yellow soy beans-----	6060	U. S. Cold Storage Co. :	
Sharp Canning Co. :		frozen, headless shrimp-----	¹ 6114
tomato puree-----	6167	United Wholesale Grocers, Inc. :	
Sheridan Creamery Co. :		canned peas-----	6144
butter-----	6091	Universal Food Co. :	
Silverton Canning Co. :		egg noodles with fresh mushrooms--	6009
canned corn-----	6134	Valerio, A. :	
Smith, J. Allen, & Co. :		egg noodles with fresh mushrooms--	6009
cake and pastry flour, self-rising		W. M. Storage Corp. :	
flour, phosphated flour, and en-		frozen golden wax beans and green	
riched flour-----	6040	beans-----	6153
Southern Packing Co. :		Wagner, H. M., & Co., Inc. :	
cane and maple sirup-----	6081	Royal Creme Fluff and doughnut	
Southland Products Co. :		flour-----	6046
beans, green, frozen-----	6152, 6153	Waldo Canning Co. :	
wax, frozen-----	6152-6154	canned peas-----	6137
Soya Corp. of America :		Weber and Mollner, Ltd. :	
soya grits-----	6061	Butex-----	6196
Stamper, F. M., Co. :		Weinberg, L., Baking Co. :	
poultry-----	6185	flour-----	6021
Standard Milling Co. :		Western Bakers Supply Co. :	
cake flour-----	6042	fig paste-----	6128
Steele-Wedeles Co. :		Western Food Corp. :	
canned brussels sprouts-----	6133	edible oil-----	6180
Stein-Hall Manufacturing Co. :		Whitehall Food Manufacturing Corp. :	
rice flour-----	6051	lemon flavor, imitation-----	6192
Stockholm Co-op Creamery :		maple sirup, imitation-----	6078
butter-----	6088	Williams, H. C., Peanut Co. :	
Stoll, M., & Co. :		peanuts-----	6171
tomato juice-----	6164	Williams, P. P., Co. :	
Sunflower Poultry & Egg Co. :		corn meal-----	6012
poultry-----	6184	Wilson, Chas. T., Inc. :	
Superior Fillets, Inc. :		ginger-----	6188
frozen cod fillets-----	6106	Wisconsin Canning Co. :	
Surprise Candy Co. :		canned peas-----	6144
candy-----	6066, 6067, 6073	Wurm Brothers Co. :	
Swift & Co. :		canned peas-----	6141
frozen whole eggs-----	6097	Yelton Milling Co. :	
Tampa Packing Co. :		plain flour and enriched, self-rising	
diced grapefruit peel-----	6131	flour-----	6029
Terminal Refrigerating and Ware-			
house Corp. :			
cured soya beans and soya grits---	6062		
Tiedemann & McMorran :			
prunes, in sirup-----	6117		

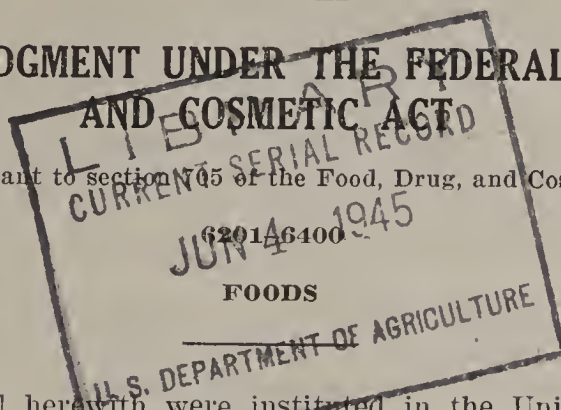
¹ (6114) Seizure contested. Contains findings of fact and conclusions of law.

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]



The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., February 6, 1945.

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BEVERAGE MATERIALS*

6201. Adulteration and misbranding of CoVee. U. S. v. 24 Cases and 104 Cases of CoVee. Default decrees of condemnation. Portion ordered delivered to a charitable institution; remainder ordered destroyed. (F. D. C. Nos. 10070, 10094. Sample Nos. 10334-F, 11309-F.)

LIBELS FILED: June 11 and 15, 1943, Western District of Texas and Northern District of California.

ALLEGED SHIPMENT: From on or about March 20 to April 23, 1943, by J. B. Robinson, Manager, Royale Popcorn Co., Cleveland, Ohio.

PRODUCT: 24 cases at Waco, Tex., and 104 cases at Emeryville, Calif., each containing 24 1-pound packages of CoVee.

*See also Nos. 6351, 6399.

LABEL, IN PART: "Drink CoVee Prepare—The Same as Coffee * * * Made from Fresh Roasted Soy Beans—Cereals and Chicory."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of ground roasted soy beans and ground roasted malted barley had been substituted in whole or in part for soy beans, cereals, and chicory, which the article purported to be.

Misbranding, Section 403 (a), the statement on the label "Chicory for Flavor," was false and misleading as applied to an article containing no chicory; Section 403 (i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since "Cereals" is not the common or usual name for barley.

DISPOSITION: November 3 and 10, 1943. No claimant having appeared, judgments of condemnation were entered and it was ordered that the Waco lot be turned over to the Food and Drug Administration, and that the Emeryville lot be destroyed. On January 8, 1944, an amended decree was entered, ordering that the Waco lot be delivered by the United States marshal to a charitable institution.

6202. Adulteration of pineapple-flavored fountain sirup. U. S. v. 15 Jugs of Pineapple-Flavored Fountain Syrup. Default decree of condemnation and destruction. (F. D. C. No. 11587. Sample No. 51259-F.)

LABEL FILED: January 6, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 12, 1943, by the National Processed Foods Corporation, from Brooklyn, N. Y.

PRODUCT: 15 1-gallon jugs of pineapple-flavored fountain sirup at Springfield, Mass.

LABEL, IN PART: "National Concentrated Pineapple Flavored Fountain Syrup Contains Pineapple Juice, Cane Sugar, Citric Acid 1-10 of 1% Benzoate of Soda."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), an artificially flavored and colored sugar solution, acidulated with phosphoric acid or acid phosphate and containing no pineapple juice or citric acid, had been substituted for concentrated pineapple-flavored fountain sirup.

Misbranding, Section 403 (a), the statements appearing on the label of the article, "Concentrated Pineapple Flavored Fountain Syrup * * * Pineapple Juice * * * Citric Acid," were false and misleading as applied to an artificially flavored and colored sugar solution, acidulated with phosphoric acid or acid phosphate and containing no pineapple juice or citric acid; Section 403 (b), the product was offered for sale under the name of another food; Section 403 (c), it was an imitation of another food, pineapple sirup, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient; and, Section 403 (k), it contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

DISPOSITION: February 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREAL AND CEREAL PRODUCTS

ALIMENTARY PASTES

6203. Adulteration of egg noodles. U. S. v. 33 Cases, 24 Cases, and 60 Cases of Egg Noodles. Default decrees of condemnation and destruction. (F. D. C. Nos. 11206, 11283. Sample Nos. 1457-F, 1458-F, 59428-F.)

LABELS FILED: December 3, 1943, Northern District of Indiana; December 9, 1943, Western District of Michigan.

ALLEGED SHIPMENT: From on or about September 14 to November 13, 1943, by Mrs. Kelley's Noodle Kitchen, from Dayton, Ohio.

PRODUCT: 33 cases, each containing 24 ½-pound packages, and 24 cases, each containing 12 1-pound packages, at Fort Wayne, Ind.; and 60 cases, each containing 24 ½-pound packages of egg noodles, at Sturgis, Mich.

LABEL, IN PART: "Perfect's Brand 100% Pure Egg Noodles Packed for A. H. Perfect & Co. Inc."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of one or more of the following types of filth: Rodent hair fragments, insect fragments, and fragments resembling rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: January 8 and May 13, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6204. Adulteration of egg noodles. U. S. v. 124 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 11485. Sample No. 48149-F.)

LIBEL FILED: December 21, 1943, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about March 25 and April 2, 1943, by the Noody Products Co., from Toledo, Ohio.

PRODUCT: 124 cases, each containing 24 packages, of egg noodles, at Nashville, Tenn.

LABEL, IN PART: "Noody Noodles."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments.

DISPOSITION: February 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6205. Adulteration of Tenderoni. U. S. v. 149 Cartons of Tenderoni. Default decree of condemnation and destruction. (F. D. C. No. 11216. Sample No. 49758-F.)

LIBEL FILED: December 1, 1943, Western District of New York.

ALLEGED SHIPMENT. On or about April 2, 1943, by Van Camp's, Inc., from Joliet, Ill.

PRODUCT: 149 cartons, each containing 24 packages, of Tenderoni at Elmira, N. Y.

LABEL, IN PART: (Package) "Van Camp's Tenderoni."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, pupae, cast skins, head capsules, and insect fragments.

DISPOSITION: February 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was used for hog feed.

BAKERY PRODUCTS

6206. Adulteration of bakery products. U. S. v. Pennsylvania Baking Co., and William W. Scheuer. Pleas of guilty. Fine of \$50 on each of 2 counts. Sentence suspended on third count and defendants placed on 1 year's probation. (F. D. C. No. 11350. Sample Nos. 45595-F, 45597-F, 56321-F.)

INFORMATION FILED: On February 21, 1944, in the Middle District of Pennsylvania, against the Pennsylvania Baking Co., a corporation, and William Scheuer, Scranton, Pa.

ALLEGED SHIPMENT: On or about August 16 and 31, 1943, from the State of Pennsylvania into the State of New York.

LABEL, IN PART: "Wine Biscuits," or "Gem Salted [or "Daisy"], Oyster Crackers."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, insect fragments, larvae fragments, and, in one portion, a cat hair fragment.

DISPOSITION: March 20, 1944. Pleas of guilty having been entered, each defendant was fined \$50 on each of counts 1 and 2. Imposition of sentence was suspended on count 3, and the defendants were placed on 1 year's probation.

6207. Adulteration of bakery products. U. S. v. Fred P. Rentz and Marion C. Morris (U. S. Baking Co.). Pleas of guilty. Defendants placed on 2 years' probation. (F. D. C. No. 9658. Sample Nos. 28470-F, 28471-F, 28698-F, to 28700-F, incl.)

INFORMATION FILED: On June 22, 1943, in the Northern District of Georgia, against Fred P. Rentz and Marion C. Morris, trading as copartners under the firm name U. S. Baking Co., Atlanta, Ga.

ALLEGED SHIPMENT: From on or about January 16 to 28, 1943, from the State of Georgia into the States of Florida and North Carolina.

LABEL, IN PART: "5¢ Victory Sandwich Pie."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: March 30, 1944. Pleas of guilty having been entered, the defendants were placed on 2 years' probation.

6208. Adulteration of bread. U. S. v. Charlie E. Little and Curtis V. McCollum (College Bakery). Pleas of guilty. Fine, \$100 each. (F. D. C. No. 11334. Sample Nos. 57606-F to 57608-F, incl.)

INFORMATION FILED: On February 3, 1944, in the District of New Mexico, against Charlie E. Little and Curtis V. McCollum, trading as the College Bakery, Portales, N. Mex.

ALLEGED SHIPMENT: On or about July 28, 1943, from the State of New Mexico into the State of Texas.

LABEL, IN PART: (Portions of product, wrappers) "Golden Krust Family Loaf."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent excreta pellet fragments, rodent hair fragments, and hair fragments resembling rodent hairs; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 16, 1944. Pleas of guilty having been entered, each defendant was fined \$100.

6209. Adulteration of cookies. U. S. v. John Iacone (Centre Bakery). Plea of guilty. Fine, \$300. Payment suspended and defendant placed on 1 year's probation. (F. D. C. No. 10620. Sample Nos. 45386-F, 45387-F, 45389-F.)

INFORMATION FILED: On February 15, 1944, in the District of New Jersey, against John Iacone, trading as the Centre Bakery, at West New York, N. J.

ALLEGED SHIPMENT: On or about June 17, 1943, from the State of New Jersey into the State of New York.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, cat hair fragments, and dirt fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: On March 15, 1944, a plea of guilty was entered; and on March 31, 1944, a fine of \$300 was imposed. Payment of the fine was suspended and the defendant was placed on 1 year's probation.

6210. Misbranding of ice box cookies. U. S. v. Miracle Baking Co., Inc. Plea of guilty. Fine, \$200 and costs. (F. D. C. No. 9632. Sample Nos. 9040-F, 10613-F, 10819-F, 15857-F.)

INFORMATION FILED: On July 7, 1943, in the Northern District of Illinois, against the Miracle Baking Co., Inc., Chicago, Ill.

ALLEGED SHIPMENT: From on or about November 25 to December 31, 1942, from the State of Illinois into the States of Texas, California, and Wyoming.

LABEL, IN PART: (Boxes) "Miracle Ice Box Cookies * * * Net Weight 13 oz."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Net Weight 13 oz.," borne on the boxes, was false and misleading since the boxes contained a smaller amount of the food than 13 ounces; and, Section 403 (e) (2), the product was in package form and its label did not bear an accurate statement of the quantity of the contents.

DISPOSITION: April 20, 1944. The defendant having entered a plea of guilty, a fine \$200 and costs was imposed.

6211. Adulteration and misbranding of pretzels. U. S. v. 134 Tins of Pretzels. Default decree of condemnation and destruction. (F. D. C. No. 11572. Sample No. 53573-F.)

LIBEL FILED: January 6, 1944, District of Maryland.

ALLEGED SHIPMENT: On or about December 13, 1943, by the Revonah Pretzel Co., from Hanover, Pa.

PRODUCT: 134 tins, each containing 7 pounds, of pretzels at Baltimore, Md.

LABEL, IN PART: "Safe For You and Your Children Dobb's R-Good Wholesome Pure Jumbo [or "Large," "Butter," "Penny," or "Sticks"] Distributed By Dobb's R-Good Products Co., Baltimore."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

Misbranding, Section 403 (a) the statement "Wholesome Pure," on the label, was false and misleading as applied to a product containing rodent hair fragments and insect fragments, and produced under insanitary conditions.

DISPOSITION: February 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed and the containers returned to the consignee.

6212. Adulteration of pretzel straws and pretzel sticks. U. S. v. 24 Cartons and 999 Cartons of Pretzel Straws, and 2 Cans of Pretzel Sticks, Default decrees of condemnation and destruction. (F. D. C. Nos. 11464, 11528. Sample Nos. 48262-F, 48263-F, 48535-F.)

LIBELS FILED: December 28 and 29, 1943, Northern and Southern Districts of Ohio.

ALLEGED SHIPMENT: From on or about November 12 to November 23, 1943, by the Becker Pretzel Bakeries, Inc., Baltimore, Md.

PRODUCT: 24 cartons, each containing 12 1¾-ounce packages, of pretzel straws and 2 cans, each containing 175 pretzel sticks, at Cleveland, Ohio, and 999 7-pound cartons of pretzel straws at Cincinnati, Ohio.

LABEL, IN PART: (Packages) "Becker's Pretzel Straws," (cans) "Becker's Pet-so Pretzels Giant Sticks," and (999 cartons) "Becker's Crisp Tender Delicious Pretzels Pretzel Straws."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and fragments resembling rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: February 12 and May 25, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

CORN MEAL

6213. Adulteration of corn meal. U. S. v. 1,550 Bags of Corn Meal. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11751. Sample Nos. 61117-F to 61119-F, incl.)

LIBEL FILED: On or about February 15, 1944, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about January 11, 1944, by the Kalmbach-Burckett Co., Inc., from Shreveport, La.

PRODUCT: Corn meal: 700 10-pound bags, 800 25-pound bags, and 50 100-pound bags at Natchez, Miss.

LABEL, IN PART: "Squirrel Pearl Meal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and insect fragments.

DISPOSITION: February 28, 1944. The Kalmbach-Burckett Co., claimant, having admitted the allegations of the libel to the extent that the product was subject to being condemned at the time of seizure, judgment of condemnation was entered and the product was ordered released under bond to be reworked and disposed of for use other than human consumption, under the supervision of the Food and Drug Administration.

6214. Adulteration of corn meal. U. S. v. 110 Bags and 61 Bags of Corn Meal. Default decree of condemnation. Product ordered delivered to a Federal correctional institution, for use as hog feed. F. D. C. No. 10711. Sample Nos. 35199-F, 35200-F.)

LIBEL FILED: September 11, 1943, Northern District of Florida.

ALLEGED SHIPMENT: On or about August 21, 1943, by J. S. Eaton, from Blairsville, Ga.

PRODUCT: 171 unlabeled half-bushel bags of corn meal at Tallahassee, Fla.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent excreta, and rodent hair fragments.

DISPOSITION: March 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal correctional institution, for use as hog feed.

6215. Adulteration of corn meal. U. S. v. 465 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 12091. Sample No. 61476-F.)

LIBEL FILED: March 27, 1944, Western District of Louisiana.

ALLEGED SHIPMENT: On or about March 11, 1944, by the Josey-Miller Co., from Beaumont, Tex.

PRODUCT: 465 bags, each containing 10 pounds, of corn meal, at Lafayette, La.

LABEL, IN PART: "Jo-Mil Tested Cream Meal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and larvae.

DISPOSITION: May 29, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FLOUR

Nos. 6216 to 6227 report actions involving flour that was contaminated with one or more of the following types of filth: Insects and insect fragments, larvae, pupae, cast skins, head capsules, rodent excreta, rodent hairs, and urine. The flour reported in Nos. 6219 to 6223 had been stored under unsanitary conditions. In addition to contamination with filth, the flour reported in No. 6224 was short weight.

6216. Adulteration of flour. U. S. v. 9 Bags and 46 Bags of Flour. Default decrees of condemnation. Portion of product ordered sold; remainder ordered delivered to a Federal institution for use as animal feed. (F. D. C. Nos. 11180, 11462. Sample Nos. 47715-F, 57213-F.)

LABELS FILED: November 26 and December 17, 1943, District of New Jersey and Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 19 and November 9, 1943, by the General Foods Sales Co., from New York, N. Y. and Evansville, Ind.

PRODUCT: 9 98-pound bags of flour at Bloomfield, N. J., and 46 100-pound bags of flour at St. Louis, Mo.

LABEL, IN PART: "Bleached X Flour * * * from Igleheart Brothers, Inc. Evansville, Indiana," or "Igleheart's Pie Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following: Insects, larvae, pupae, insect fragments, and insect excreta.

DISPOSITION: January 12 and March 28, 1944. No claimant having appeared, judgments of condemnation were entered. The New Jersey lot was ordered delivered to a Federal correctional institution for use as animal feed. The Missouri lot was ordered sold under such conditions as would insure its disposition in compliance with the law, and was thereafter denatured and sold for use as hog feed.

6217. Adulteration of flour. U. S. v. 70 Bags of Flour. Default decree of condemnation. Product ordered destroyed or reprocessed for use as animal feed. (F. D. C. No. 10974. Sample No. 34299-F.)

LIBEL FILED: October 26, 1943, Northern District of Ohio.

ALLEGED SHIPMENT: From on or about January 27 to July 21, 1943, by the Tennant & Hoyt Co., Lake City, Minn.

PRODUCT: 70 100-pound bags of flour at Youngstown, Ohio.

LABEL, IN PART: "Golden Leaf Vitamin Enriched Special Short Patent Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

DISPOSITION: February 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of by destruction or, if possible, by reprocessing, under the direction of the Food and Drug Administration, for use as animal feed. The product was mixed with bran and sold for stock feed.

6218. Adulteration of flour. U. S. v. 1,376 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for salvaging of the portion fit for animal feed and destruction of remainder. (F. D. C. No. 10447. Sample No. 52895-F.)

LIBEL FILED: August 21, 1943, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about May 8, 1943, by the Lexington Mill & Elevator Co., from Lexington, Nebr.

PRODUCT: 1,376 10-pound bags of flour at Norfolk, Va.

LABEL, IN PART: "Bleached Lexington Cream XXXXX High Patent Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, cast skins, and insect fragments.

DISPOSITION: November 8, 1943. I. Saunders and H. L. Saunders, trading as the Saunders Provision Co., Norfolk, Va., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging of the portion fit for use as animal feed and the destruction of the portion unfit for any legal use, under the supervision of the Food and Drug Administration.

6219. Adulteration of flour. U. S. v. 40 Bags of Flour. Default decree of condemnation. Product ordered sold for use as animal feed. (F. D. C. No. 11822. Sample No. 58819-F.)

LIBEL FILED: February 15, 1944, District of Maryland.

ALLEGED SHIPMENT: On or about October 20, 1943, from Cherryvale, Kans.

PRODUCT: 40 100-pound bags of flour at Brooklandville, Md., in possession of Standard Foods, Inc.

The flour was stored, after shipment, under insanitary conditions. The bags had been damaged by rodents and the flour contaminated with rodent excreta, rodent hairs, and urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use as animal feed.

6220. Adulteration of flour. U. S. v. 326 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11199. Sample No. 35865-F.)

LIBEL FILED: December 1, 1943, Northern District of Georgia.

ALLEGED SHIPMENT: On or about September 2, 1943, from Wichita, Kans.

PRODUCT: 326 100-pound bags of flour at Griffin, Ga., in possession of the City Wholesale Co., Inc.

The flour was stored under insanitary conditions after shipment. Rodent excreta and urine stains were noted on the bags, two rodent nests were seen in the stack of flour, and some of the bags had been cut by rodents. Examination of samples of the flour confirmed the presence of urine and rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: December 17, 1943. The City Wholesale Co., Inc., claimant, having admitted that a portion of the flour was contaminated as alleged in the libel, judgment of condemnation was entered and the product was ordered released under bond for the segregation of the unfit portion, under the supervision of the Food and Drug Administration. On December 21, 1943, the unfit portion having been segregated, a further decree was entered, ordering that portion denatured for use as animal feed, under the supervision of the Food and Drug Administration, and that the claimant be authorized to sell or otherwise dispose of the good portion in the usual course of trade.

6221. Adulteration of flour. U. S. v. 18 Bags of Flour. Decree of condemnation. Product ordered sold to be denatured and used for hog feed. (F. D. C. No. 11642. Sample Nos. 37378-F, 37394-F.)

LIBEL FILED: January 17, 1944, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 11, 1943, from Buffalo, N. Y.

PRODUCT: 18 100-pound bags of flour at Chambersburg, Pa., in possession of the Lakeview Milling Co., Inc.

The flour was stored under insanitary conditions after shipment. The warehouse was infested with rodents, and rodent pellets and urine stains were noted on the bags. Samples of the flour were found to be contaminated with rodent urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and rodent urine; and Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 14, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured and used for hog feed.

6222. Adulteration of self-rising flour. U. S. v. 221 Bags of Enriched Self-Rising Flour. Default decree of condemnation and destruction. (F. D. C. No. 11731. Sample No. 53266-F.)

LIBEL FILED: February 5, 1944, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about December 22, 1943, from Norfolk, Va.

PRODUCT: 221 10-pound bags of flour at Kinston, N. C., in possession of the Kinston Wholesale Grocery Co.

The flour was stored under insanitary conditions after shipment. Many of the bags were rodent-gnawed and contained urine stains. Rodent excreta was found on the bags and on the floor around the stack. Examination showed that the product contained rodent excreta, rodent hairs, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6223. Adulteration of phosphated flour and self-rising flour. U. S. v. 58 Bags of Enriched Phosphated Flour and 71 Bags of Self-Rising Enriched Flour. Default decree of condemnation and destruction. (F. D. C. No. 11877. Sample Nos. 35008-F, 35009-F.)

LIBEL FILED: February 22, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about January 25, 1944, from Memphis, Tenn.

PRODUCT: 58 bags, each containing 25 pounds, of phosphated flour, and 71 bags, each containing 25 pounds, of self-rising flour at Atlanta, Ga., in possession of Colonial Stores, Inc.

The flour was stored under insanitary conditions after shipment and the bags bore rodent urine stains and rodent excreta pellets; holes had been cut in some bags by rodents. Examination showed that the flour was contaminated with rodent urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6224. Adulteration of self-rising and plain flour, and misbranding of phosphated flour. U. S. v. 32 Bags of Flour (and 3 other seizure actions against flour). Decrees of condemnation. Portion ordered released under bond to be denatured for use as animal food; remainder ordered destroyed. (F. D. C. Nos. 10439, 10523, 12116, 13092. Sample Nos. 9968-F, 41097-F, 61477-F, 63550-F.)

LIBEL FILED: Between August 20, 1943, and August 3, 1944, Eastern and Western Districts of Louisiana, Southern District of Georgia.

ALLEGED SHIPMENT: From on or about December 28, 1942, to March 15, 1944, by the Quaker Oats Co., Sherman, Tex., and St. Joseph, Mo.

PRODUCT: 32 98-pound bags of flour at Opelousas, La., 988 sacks, each containing 5 pounds, of flour at Lafayette, La., 110 24-pound sacks of flour at New Orleans, La., and 300 bags, each containing 25 pounds, of flour at Dublin, Ga.

LABEL, IN PART: (32 bags) "Smith's Challenge Hard Wheat Bleached Flour," (988 sacks) "5 Lbs. Net La Belle Enriched Phosphated Flour Bleached * * * Manufactured for Consolidated Companies, Inc.," (110 sacks) "Davis' Golden Sheaf Flour Bleached," and (300 bags) "Sea Breeze Self Rising Flour Bleached."

VIOLATIONS CHARGED: Adulteration (Opelousas, New Orleans, and Dublin lots), Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, weevils, and larvae.

Misbranding (remaining lot, "La Belle" brand), Section 403 (a), the statement "5 Lbs." was false and misleading as applied to a product that was short weight; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: September 13, 1944. W. R. Werden Co., Dublin, Ga., claimant for the lot at Dublin, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of the Food and Drug Administration. Between October 20, 1943, and May 29, 1944, no claimant having appeared for the other lots, judgments of condemnation were entered and the product was ordered destroyed.

6225. Adulteration of self-rising flour and plain flour. U. S. v. 34 Sacks of Self-Rising Enriched Flour and 47 Bags of Plain Flour. Default decrees of condemnation. Product ordered disposed of as animal feed. (F. D. C. Nos. 11661, 12003. Sample Nos. 35686-F, 37398-F.)

LIBELS FILED: January 18 and March 18, 1944, Western District of South Carolina and District of Maryland.

ALLEGED SHIPMENT: On or about November 30, 1943, and January 20, 1944, by the Lakeview Milling Co., from Chambersburg, Pa.

PRODUCT: 16 sacks, each containing 24 pounds; 12 sacks, each containing 48 pounds; and 6 sacks, each containing 96 pounds, of self-rising flour at Abbeville, S. C., and 47 bags, each containing 100 pounds, of plain flour at Baltimore, Md.

LABEL, IN PART: (Sacks) "Sun Rise Self Rising Flour Bleached Enriched," (bags) "Best Short Winter Wheat Excellent Patent Flour Bleached."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and mites; and, Section 402 (a) (4) (Baltimore lot), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 25 and April 29, 1944. No claimant having appeared, judgments of condemnation were entered. The lot at Abbeville was ordered delivered to an orphanage, to be used for hog feed, and the Baltimore lot was ordered sold for animal feed.

6226. Adulteration of self-rising flour. U. S. v. 375 Bags of Self Rising Flour. Default decree of condemnation. Product ordered delivered to a Federal correctional institution, for use as hog feed. (F. D. C. No. 10710. Sample No. 35803-F.)

LIBEL FILED: September 10, 1943, Northern District of Florida.

ALLEGED SHIPMENT: On or about July 7, 1943, by the Dixie Portland Flour Co., from Mobile, Ala.

PRODUCT: 375 12-pound bags of flour at Panama City, Fla.

LABEL, IN PART: "Made from Choice Kansas Wheat A No. 1 Bleached Flour
* * * Manufactured by The Arkansas City Flour Mills Co. Arkansas City
Kansas Self Rising."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: March 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal correctional institution, for use as hog feed.

6227. Adulteration of whole wheat flour. U. S. v. 23 Bags of Whole Wheat Flour. Consent decree of condemnation. Product ordered released under bond to be denatured and used for technical purposes or for animal food. (F. D. C. No. 10948. Sample No. 34277-F.)

LIBEL FILED: October 26, 1943, Northern District of Ohio.

ALLEGED SHIPMENT: On or about June 10, 1943, by the Rodney Milling Co., from McPherson, Kans.

PRODUCT: 23 bags, each containing 100 pounds, of whole wheat flour, at Youngstown, Ohio.

LABEL, IN PART: "Contains all of the Wheat Berry Heart of America 100% Whole Wheat Fine Granulated Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, pupae, cast skins, and head capsules.

DISPOSITION: December 28, 1943. Hathaway Bakeries, Inc., Youngstown, Ohio, claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured and used for technical purposes or for animal food, under the supervision of the Food and Drug Administration.

MISCELLANEOUS CEREAL PRODUCTS*

6228. Adulteration of corn flakes. U. S. v. 50 Bags of Corn Flakes. Default decree of condemnation and destruction. (F. D. C. No. 11317. Sample No. 46535-F.)

LIBEL FILED: December 15, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 7 and 10, 1943, by the Charles A. Krause Milling Co., from Milwaukee, Wis.

PRODUCT: 50 50-pound bags of corn flakes at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of insects, larvae, and insect fragments.

DISPOSITION: February 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6229. Adulteration of corn grits. U. S. v. 1,000 Bags of Corn Grits. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11541. Sample No. 62550-F.)

LIBEL FILED: December 29, 1943, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 21, 1943, by the Charles A. Krause Milling Co., from Milwaukee, Wis.

PRODUCT: 1,000 bags, each containing 100 pounds, of corn grits at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance since it contained insects, larvae, pupae, and webbing.

DISPOSITION: January 26, 1944. The Griesedieck Bros. Brewery Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured under the supervision of the Food and Drug Administration.

*See also No. 6390.

- 6230. Adulteration of dough stabilizer. U. S. v. 8 Bags of Dough Stabilizer. Default decree of condemnation and destruction. (F. D. C. No. 11315. Sample No. 50143-F.)**
- LIBEL FILED:** December 16, 1943, Northern District of West Virginia.
- ALLEGED SHIPMENT:** On or about August 11 and October 12, 1943, by the American Breddo Corporation from, New York, N. Y.
- PRODUCT:** 8 100-pound bags of dough stabilizer at Chester, W. Va.
- LABEL IN PART:** "Golddo Dough Stabilizer."
- VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of insects, larvae, pupae, and cast skins.
- DISPOSITION:** January 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.
- 6231. Adulteration of Hallmark Caradex (starch or flour). U. S. v. 7 Bags of Hallmark Caradex. Default decree of condemnation and destruction. (F. D. C. No. 11314. Sample No. 50142-F.)**
- LIBEL FILED:** December 16, 1943, Northern District of West Virginia.
- ALLEGED SHIPMENT:** On or about August 21, 1943, by the Stein Hall Manufacturing Co., from Chicago, Ill.
- PRODUCT:** 7 100-pound bags of Hallmark Caradex, at Chester, W. Va.
- VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of insects, larvae, pupae, and cast skins.
- DISPOSITION:** January 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.
- 6232. Adulteration of popcorn. U. S. v. 100 Bags of Popcorn. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11664. Sample No. 61074-F.)**
- LIBEL FILED:** January 20, 1944, Eastern District of Louisiana.
- ALLEGED SHIPMENT:** On or about November 11, 1943, from Dallas, Tex.
- PRODUCT:** 100 bags, each containing 100 pounds, of popcorn at New Orleans, La., in possession of the Maloney Trucking & Storage Warehouse.
- This product was stored, after shipment, under insanitary conditions. Examination showed that the article was contaminated with rodent excreta.
- VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.
- DISPOSITION:** February 15, 1944. Harry L. Woods, trading as Woods Popcorn Supplies, New Orleans, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration. In May 1944 an amended decree was entered ordering the unfit portion denatured under the supervision of the Food and Drug Administration so that it could be utilized as animal feed.
- 6233. Adulteration of rice. U. S. v. 167 Sacks of Rice. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 11309. Sample No. 64811-F.)**
- LIBEL FILED:** December 20, 1943, District of Oregon.
- ALLEGED SHIPMENT:** On or about October 14, 1942, by the Beaumont Rice Mills, from Beaumont, Tex.
- PRODUCT:** 167 sacks, each containing 100 pounds, of rice at Medford, Oreg.
- LABEL, IN PART:** "Royal Club Supreme Extra Fancy Blue Rose Rice Packed for Mason Ehrman & Co."
- VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence therein of beetles, larvae, insect excreta, and webbing.
- DISPOSITION:** On January 27, 1944, Mason, Ehrman & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The product was ordered released under bond to be reconditioned under the supervision of Food and Drug Administration. The product was cleaned by the removal of the objectionable material.

6234. Adulteration of soy nuts (processed soy beans). U. S. v. 4 Bags and 9 Bags of Soy Nuts. Default decrees of condemnation. Portion of product ordered denatured; remainder ordered destroyed. (F. D. C. Nos. 11313, 11531. Sample Nos. 50141-F, 62545-F.)

LIBELS FILED: On December 16 and 28, 1943, Northern District of West Virginia and Eastern District of Missouri.

ALLEGED SHIPMENT: From on or about May 27 to June 25, 1943, by the Soy Bean Products Co., from Chicago, Ill.

PRODUCT: 4 bags at Chester, W. Va., and 9 bags at St. Louis, Mo., each containing 100 pounds of soy beans.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of one or more of the following types of filth: Insects, larvae, pupae, insect fragments, rodent hair fragments, and webbing.

DISPOSITION: January 7 and 25, 1944. No claimant having appeared, judgments of condemnation were entered. The Missouri lot was ordered to be denatured under the supervision of the Food and Drug Administration, and to be sold to the person or corporation who would offer the highest bid and adopt proper safeguards against its use in violation of the law. The West Virginia lot was ordered destroyed.

6235. Adulteration of Wheat-Alone and Grain-A-Lax (whole wheat cereals). U. S. v. 28 Cases and 29 Cases of Cereal. Default decree of condemnation and destruction. (F. D. C. No. 11067. Sample Nos. 42888-F, 42889-F.)

LIBEL FILED: November 18, 1943, District of Idaho.

ALLEGED SHIPMENT: On or about September 8, 1943, by the Wheat-Alone Co., from Portland, Oreg.

PRODUCT: 57 cases, each containing 24 packages, of cereal at Lewiston, Idaho.

LABEL, IN PART: "100 percent Whole Wheat Cereal Wheat-Alone," or "The New Improved Irradiated Grain-A-Lax * * * Whole Wheat Cereal * * * Grain-A-Lax Mills, Portland, Oregon."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of rodent excreta, rodent hairs, and insect fragments.

DISPOSITION: January 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CHOCOLATE, SUGARS, AND RELATED PRODUCTS

CANDY

6236. Adulteration and misbranding of candy bars. U. S. v. William Rayess (Rayess Candy Co.). Plea of nolo contendere. Defendant found guilty. Fine, \$100 and costs. (F. D. C. No. 10637. Sample Nos. 46631-F to 46633-F, incl.)

INFORMATION FILED: January 20, 1944, in the Northern District of Ohio, against William Rayess, trading as the Rayess Candy Co., Toledo, Ohio.

ALLEGED SHIPMENT: On or about July 30, 1943, from the State of Ohio into the State of Michigan.

LABEL, IN PART: (On candy bars) "Toasted Mallow * * * 1½ ozs. or over," "Golden Peanut * * * 1¾ oz. or over," "O. K. Bar * * * 1½ ozs. or over," or "Crispette * * * 1½ Ozs. [or "2 oz."] or over."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments, insect fragments, larvae, hair fragments resembling rodent hairs, rodent hairs, and insects; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

Misbranding, Section 403 (a), the statements "1½ Ozs. or over," "1¾ Oz. or over," and "2 oz. or over," borne on the labels of various portions of the article, were false and misleading as the weight of the candy bars in those portions was less than the weight declared on their labels; and, Section 403 (e) (2), the article was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: February 12, 1944. The defendant having entered a plea of nolo contendere, the court found him guilty and imposed a fine of \$100 and costs.

6237. Adulteration of confection packs. U. S. v. 3 Cartons and 99 Cases of Confection Packs. Default decree of condemnation and destruction. (F. D. C. No. 10820. Sample Nos. 29663-F, 29664-F.)

LIBEL FILED: September 24, 1943, Northern District of California.

ALLEGED SHIPMENT: On or about August 27, 1943, by Shapiro Bros., from New York, N. Y.

PRODUCT: 3 5-pound cartons and 99 cases, each containing 6 4-pound cartons, of confection packs, at San Francisco, Calif.

LABEL, IN PART: "Energy Canteen Snacks * * * Packed by Shabro Importing Co., New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of moths, larvae, and webbing, in addition to insect excreta in one portion.

DISPOSITION: November 6, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6238. Misbranding of chests of candy. U. S. v. 79 Cases of Candy. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 11178. Sample No. 43161-F.)

LIBEL FILED: December 2, 1943, District of Oregon.

ALLEGED SHIPMENT: On or about September 4, 1943, by the Burry Biscuit Co., from Los Angeles, Calif.

PRODUCT: 79 cases, each containing 12 cedar chests, of candy at Portland, Oreg.

This product was packed in a cedar chest containing a 1-inch false bottom, on top of which was a carton containing 2 layers of candy. The carton occupied less than 60 percent of the volume of the chest. The bottom layer of the carton contained only 9 pieces of candy, whereas it was possible to pack 18 pieces of candy in that layer.

VIOLATIONS CHARGED: Misbranding, Section 403 (d), the containers had been so filled as to be misleading since the carton of candy occupied less than 60 percent of the volume of the chest, and also because the bottom layer of candy was not filled as full as practicable; Section 403 (e) (1), the product was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; Section 403 (i) (1), its label failed to bear the common or usual name of the food; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: January 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

6239. Misbranding of chests of candy. U. S. v. 186 Chests of Candy. Default decree of condemnation. Product ordered delivered to institutions to be used for charitable purposes. (F. D. C. No. 11011. Sample No. 34572-F.)

LIBEL FILED: November 4, 1943, Southern District of Florida.

ALLEGED SHIPMENT: On or about October 1, 1943, by Lee Candies, from Chicago, Ill.

PRODUCT: 186 chests, each containing a 1-pound box, of candy at Jacksonville, Fla.

Some of the boxes contained a blurred or illegible ingredient statement stamped on the cover, while others failed to contain any ingredient list. Each chest contained a cardboard box of candy 1 inch deep, which rested on a false bottom about 1.28 inches deep, and the headspace above the candy box was approximately 0.62 inch. The candy occupied about 35 percent of the volume of the chest. It contained artificial coloring.

LABEL, IN PART: (Candy box) "Lee Candies A Fine Assortment."

VIOLATIONS CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading in that the candy occupied only about 35 percent of the volume of the chest; Section 403 (k), the article contained artificial coloring and failed to bear labeling stating that fact; Section 403 (i) (2), (some of the boxes) it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and Section 403 (f), (remainder of

boxes) the list of ingredients, required by law to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: March 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to local institutions, to be used for charitable purposes.

6240. Misbranding of candy. U. S. v. 63 Cartons of Candy. Default decree of condemnation. Product ordered delivered to a government hospital. (F. D. C. No. 11495. Sample No. 66022-F.)

LIBEL FILED: December 24, 1943, Eastern District of New York.

ALLEGED SHIPMENT: On or about November 4, 1943, by Charles N. Miller, from Boston, Mass.

PRODUCT: 63 cartons, each containing 6 packages, of candy at Brooklyn, N. Y.

LABEL, IN PART: "Mackintosh's Quality Street * * * Assortment of Toffees John Mackintosh & Sons Ltd., Inc. Boston, Mass."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "1 lb. net weight," appearing on the labeling, was false and misleading as applied to an article that was short weight; and, Section 403 (e) (2), it was a food in package form and it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: February 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a U. S. Marine Hospital, for consumption and not for sale.

CHOCOLATE AND COCOA PRODUCTS

6241. Adulteration of imitation chocolate and imitation cocoa. U. S. v. 158 Cases of Imitation Chocolate and Imitation Cocoa. Default decree of condemnation and destruction. (F. D. C. No. 11060. Sample Nos. 43072-F, 43073-F.)

LIBEL FILED: On or about December 14, 1943, District of Oregon.

ALLEGED SHIPMENT: On or about June 29, 1943, by the Sheldon Products Co., from San Francisco, Calif.

PRODUCT: 94 cases, each containing 12 1-pound bags, of imitation chocolate, and 64 cases, each containing 12 1-pound bags of imitation cocoa, at Astoria, Oreg.

LABEL, IN PART: (Bags) "Sheldon Food Craft Imitation Chocolate," and "Sheldon Food Craft Imitation Cocoa."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and sand.

DISPOSITION: February 18, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

6242. Adulteration and misbranding of cocoa. U. S. v. 8½ Bags of Cocoa. Default decree of condemnation and destruction. (F. D. C. No. 11620. Sample No. 23654-F.)

LIBEL FILED: January 12, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 5, 1943, by J. B. Robinson, from Cleveland, Ohio.

PRODUCT: 8½ 100-pound bags of cocoa at Philadelphia, Pa.

LABEL, IN PART: "Dark Cocoa."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of cacao shells and powdered cacao beans had been substituted in whole or in part for "dark cocoa," which the article purported to be; and, Section 402 (b) (4), cacao shells had been added thereto or mixed or packed therewith so as to reduce its quality or strength.

Misbranding, Section 403 (a), the name "Dark Cocoa" was false and misleading as applied to a mixture of cacao shells, and powdered cacao beans; and, Section 403 (b), the product was offered for sale under the name of another food.

DISPOSITION: February 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6243. Adulteration and misbranding of cocoa. U. S. v. 61 Bags of Cocoa. Default decree of condemnation. Product ordered sold. (F. D. C. No. 11565. Sample No. 47673-F.)

LIBEL FILED: January 3, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 7, 1943, by the Royale Popcorn Co., from Cleveland, Ohio.

PRODUCT: 61 bags, each containing 40 pounds, of an unlabeled article invoiced as cocoa, at St. Louis, Mo. Examination indicated the product was a mixture of cacao shells and powdered cacao beans.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of cacao shells and powdered cacao beans had been substituted in whole or in part for "Cocoa," which the article was represented to be; and, Section 402 (b) (4), cacao shell had been added to the article or mixed or packed therewith so as to reduce its quality or strength.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food; and, Section 403 (e) (2), it was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: February 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold under conditions which would insure that it would not be used in violation of the law. It was denatured for use as fertilizer.

6244. Misbranding of a mixture of cocoa residues, roasted ground cereals, and artificial vanillin. U. S. v. 5 Unlabeled Bags of a Mixture of Cocoa Residues, Roasted Ground Cereals, and Artificial Vanillin. Default decree of condemnation and destruction. (F. D. C. No. 10363. Sample No. 31064-F.)

LIBEL FILED: August 5, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about April 21, 1943, from Cleveland, Ohio, by the Royale Popcorn Sales Co.

PRODUCT: 5 unlabeled bags, each containing 100 pounds, of the above-described mixture, at Tacoma, Wash.

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and, Section 403 (k), it contained an artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: November 6, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6245. Adulteration of chocolate-flavored sirup. U. S. v. 100 Cases of Chocolate Syrup. Default decree of condemnation and destruction. (F. D. C. No. 11871. Sample No. 65556-F.)

LIBEL FILED: February 19, 1944, Eastern District of Washington.

ALLEGED SHIPMENT: On or about December 10, 1943, by the American Roland Food Co., New York, N. Y.

PRODUCT: 100 cases, each containing 24 1¼-pound jars of chocolate sirup at Spokane, Wash. Examination showed that the product was fermented.

LABEL, IN PART: (Jars) "Van Delft's Vitaminized Chocolate Flavored Syrup * * * Silver Hill Products, Inc. Manufacturers New York, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6246. Adulteration and misbranding of chocolate-flavored sirup. U. S. v. 94 Cases of Chocolate Flavored Syrup (and 3 other seizure actions against chocolate-flavored sirup). Decrees of condemnation. Portion of product ordered released under bond to be relabeled; remainder ordered destroyed. (F. D. C. Nos. 11142, 11774, 11775, 12117. Sample Nos. 40302-F, 40303-F, 62470-F, 66551-F.)

LIBEL FILED: Between November 17, 1943, and April 4, 1944, Eastern District of Arkansas, Western District of Oklahoma, and District of South Dakota.

ALLEGED SHIPMENT: From on or about September 3 to December 9, 1943, by the Sifers Extract Co., from Iola, Kans.

PRODUCT: Chocolate-flavored sirup: 94 cases at North Little Rock, Ark., and 100 cases at Norman, Okla., each containing 4 1-gallon jars; 43 1-gallon jugs at Watertown, S. Dak.; and 45 1-gallon jugs at Sioux Falls, S. Dak. Examination showed that portions of the article were in an active state of fermentation, and one lot was short weight.

LABEL, IN PART: (Jar) "One Gallon Velvet Chocolate Flavored Syrup."

VIOLATIONS CHARGED: Adulteration (lots at North Little Rock, Watertown and Sioux Falls), Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding (lot at Norman), Section 403 (a), the statement on the label, "One Gallon," was false and misleading as applied to the article which was short in volume; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 20, 1944. J. J. Lehman, Norman, Okla., claimant for the lot that was short in volume, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. On February 9 and March 13, 1944, no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered destroyed.

SIRUPS AND SUGAR

6247. Adulteration and misbranding of cane sirup and misbranding of sorghum sirup. U. S. v. 12 Cases and 33 Jars of Cane Syrup, and 23 Cases of Sorghum Syrup. Default decrees of condemnation. Sorghum sirup ordered given to a charitable institution; cane sirup ordered destroyed. (F. D. C. Nos. 11205, 11632, 11807. Sample Nos. 57814-F, 58018-F, 58063-F.)

LABEL FILED: Between December 3, 1943, and March 2, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about October 26 and December 6, 1943, from Fort Worth, Tex., by M. N. Clayton.

PRODUCT: 12 cases, each containing 6 jars, and 33 ½-gallon jars of cane sirup at Pueblo, Colo.; and 23 cases, more or less, each full case containing 12 jars, of sorghum sirup at Grand Junction, Colo.

LABEL, IN PART: (Jars) "Ribbon Cane Syrup Sold By Roy Harry Sulphur Springs, Texas," or "New Crop Crone's Sorghum Syrup Pure East Texas Sorghum Syrup * * * Packed by E. R. Crone Winnsboro, Texas Net Contents 4 Lbs. 8 Ozs."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the cane sirup consisted in whole or in part of a filthy substance by reason of the presence of mites.

Misbranding (cane sirup), Section 403 (a), the name "Ribbon Cane Syrup" was false and misleading as applied to a mixture containing sugar and corn sirup in addition to ribbon cane sirup; and, Section 403 (b), it was offered for sale under the name of another food.

Misbranding (sorghum sirup), Section 403 (a), the name "Sorghum Syrup" was false and misleading as applied to a mixture of sorghum sirup and corn sirup (glucose), which the article was represented to be, and the statement "net contents 4 lbs. 8 ozs." was false and misleading as applied to an article that was short weight; and, Section 403 (e) (2), it was in package form and failed to bear a label which contained an accurate statement of the quantity of the contents.

DISPOSITION: January 18, March 2, and May 10, 1944. No claimant having appeared, judgments of condemnation were entered. The cane sirup was ordered destroyed and the sorghum sirup was ordered given to a charitable institution.

6248. Adulteration of honey sirup. U. S. v. 418 Cases of Honey Syrup. Decree of condemnation. Product ordered released under bond for salvaging of fit portion. (F. D. C. No. 10922. Sample No. 41404-F.)

LABEL FILED: October 9, 1943, Southern District of Texas.

ALLEGED SHIPMENT: On or about August 24 and 25, 1943, by Evangeline Pepper & Food Products, from St. Martinville, La.

PRODUCT: 418 cases, each containing 24 jars, of honey sirup at Houston, Tex.

LABEL, IN PART: (Jar) "Bulliard's Evangeline Brand Honey Syrup."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 18, 1944. The claimant, Edward Bulliard, trading as Evangeline Pepper & Food Products, having admitted the adulteration of the product, judgment of condemnation was entered and the product was ordered released under bond for salvaging of the fit portion under the supervision of the Food and Drug Administration.

6249. Adulteration of molasses residuum. U. S. v. 800 Cases of Molasses Residuum. Default decree of condemnation and destruction. (F. D. C. No. 10052. Sample No. 20674-F.)

LABEL FILED: June 4, 1943, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 24, 1943, by B. Pierce & Co., from Edgewood, Md.

PRODUCT: 800 cases, each containing 6 1-gallon cans, of molasses residuum, at Cambridge, Mass.

Analysis showed that the product was diluted molasses residuum, containing 0.3 percent cresol. It was described on the freight bill as molasses, and was purchased for the purpose of feeding to pigs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (1), the article contained an added poisonous or deleterious substance, cresol, which might have rendered it injurious to health; and, Section 402 (b) (2), a substance, diluted molasses residuum containing cresol, had been substituted in whole or in part for molasses, which the article was represented to be.

DISPOSITION: July 12, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6250. Misbranding of pancake sirup. U. S. v. 28 Cases of Pancake Sirup. Default decree of condemnation. Product ordered distributed to a public or charitable institution. (F. D. C. No. 11732. Sample No. 20149-F.)

LABEL FILED: February 2, 1944, District of Rhode Island.

ALLEGED SHIPMENT: On or about December 15, 1943, by the Tri-Western Products Corporation, from Cambridge, Mass.

PRODUCT: 28 cases, each containing 24 bottles, of pancake sirup at Cranston, R. I.

Analysis showed that the product was an artificially colored and artificially flavored sugar solution, containing more water than is contained in sugar sirup. It contained little or no maple sirup.

LABEL, IN PART: (Bottles) "Maple-Tree Farm Brand Pancake Syrup Maple-Tree Farm Products Co. Cambridge, Mass. Made from Pure Cane Sugar Syrup Imitation Maple Flavor 16 Oz."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the words "Maple-Tree," in the brand name and firm name, were misleading as applied to an artificially colored and artificially flavored sugar solution containing little or no maple sirup; and the statement "Made from Pure Cane Sugar Syrup," on the label, was false and misleading since the article contained more water than is contained in pure sugar sirup; Section 403 (c), the article was an imitation of another food, maple sirup, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents, since the article was a liquid and the statement of the quantity of contents was not expressed in terms of liquid measure and in terms of the largest unit; Section 403 (f), the statement "Imitation Maple Flavor" was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; and, Section 403 (k), the article contained artificial coloring, caramel, and failed to bear labeling stating that fact.

DISPOSITION: February 26, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to public or charitable institutions.

6251. Adulteration of sugar. U. S. v. 45 Bags of Sugar. Default decree of condemnation and destruction. (F. D. C. No. 10260. Sample No. 35156-F.)

LABEL FILED: July 15, 1943, Northern District of Georgia.

ALLEGED SHIPMENT: On or about April 14, 1943, from Montgomery, Ala.

PRODUCT: 45 100-pound bags of sugar at Atlanta, Ga., in possession of the Bonded Service Warehouse.

The product was stored under insanitary conditions. Mouse excreta and urine stains were found on the bags. Examination of samples confirmed the presence of urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: August 10, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by conversion into hog feed.

DAIRY PRODUCTS

BUTTER

6252. Adulteration of butter. U. S. v. 6 Cubes (420 pounds) of Butter. Default decree of condemnation. Product ordered sold to be denatured. (F. D. C. No. 10489. Sample No. 25644-F.)

LABEL FILED: On or about July 31, 1943, Middle District of Alabama.

ALLEGED SHIPMENT: On or about July 13, 1943, by the Carthage Creamery Co., Carthage, Mo.

PRODUCT: 6 70-pound cubes of butter at Montgomery, Ala.

Examination disclosed that this product contained mold.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 28, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured.

6253. Adulteration of butter. U. S. v. 600 Boxes of Butter (and 2 other seizure actions against butter). Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 10397, 10488, 10490. Sample Nos. 21889-F, 34218-F, 46175-F, 46176-F.)

LABELS FILED: August 11 and 12, 1943, Western District of Pennsylvania and District of Columbia.

ALLEGED SHIPMENT: From on or about July 20 to August 1, 1943, by the Bowser Sales and Trading Corporation, Sistersville, W. Va.

PRODUCT: Butter: 600 60-pound boxes at Washington, D. C., and 1,200 60-pound crates at Pittsburgh, Pa.

Examination disclosed that this product contained mold.

LABEL, IN PART: (Boxes and crates) "Valley Creamery Sistersville, W. Va.," or "Whipple Creamery Marietta, Ohio."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), one lot at Washington consisted in whole or in part of a decomposed substance, and the other lot consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: Between November 19, 1943, and January 26, 1944. The Bowser Sales and Trading Corporation having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and sold as inedible grease or refined into butter oil, under the supervision of the Food and Drug Administration.

6254. Adulteration of butter. U. S. v. 650 Cases of Butter (and 3 other seizure actions against butter). Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 10772, 10977, 11933, 12201. Sample Nos. 22326-F, 38923-F, 38932-F, 59266-F, 72022-F.)

LABELS FILED: Between August 21, 1943, and March 17, 1944, Northern District of Illinois, Western District of New York, Eastern District of Missouri.

ALLEGED SHIPMENT: From on or about July 7 to September 2, 1943, by the Dairy Products Marketing Assn., from Louisville, Ky., and Cincinnati, Ohio.

PRODUCT: Butter: 650 cases, at Chicago, Ill., 650 boxes at Medina, N. Y., and 600 cases at St. Louis, Mo., each containing 60 1-pound prints, and 731 66-pound cases at Chicago, Ill.

Examination of samples showed that this product contained mold.

LABEL, IN PART: (Boxes and cases) "Manufactured [or "Distributed"] by Sugar Creek Creamery Co. Danville, Ill.," or "Butter French Bauer Inc., Cincinnati, Ohio"; (parchment wrappers—two lots) "Golden Grain Brand Butter," or "Sugar Creek Butter."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), each lot of the article consisted in whole or in part of a filthy or decomposed animal substance; and, Section 402 (b) (2) (lot at Medina), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: Between November 10, 1943, and April 4, 1944, French Bauer, Inc., having appeared as claimant for the 731 cases at Chicago, and the Sugar Creek Creamery Co. having appeared as claimant for the remaining lots, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was thereafter converted into refined butter oil.

6255. Adulteration of butter. U. S. v. 606 Cartons (38,784 pounds) of Butter. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 11715. Sample Nos. 47726-F, 62543-F.)

LIBEL FILED: On or about January 8, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 23, 1943, by the Dairy Products Marketing Assn., from Oklahoma City, Okla.

PRODUCT: 606 cartons, each containing 64 pounds, of butter at Carthage, Mo.

LABEL, IN PART: "Beatrice Creamery Oklahoma City."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 18, 1944. The Beatrice Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was reworked.

6256. Adulteration of butter. U. S. v. 650 Cubes (43,296 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 10979. Sample Nos. 38937-F, 38940-F.)

LIBEL FILED: September 29, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: July 8, 1943, by the Dairy Products Marketing Assn., from Indianapolis, Ind.

PRODUCT: 650 cubes, each containing 66 pounds, of butter at Chicago, Ill.

LABEL, IN PART: (Shipping carton) "Creamery Butter Distributed by Sugar Creek Creamery, Danville, Ill."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight milk fat had been substituted for butter.

DISPOSITION: November 16, 1943. The Sugar Creek Creamery Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

6257. Adulteration of butter. U. S. v. 46 5/6 Cases of Butter (and 1 other seizure action against butter). Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 11118, 12063. Sample Nos. 43683-F, 43684-F, 66498-F, 66500-F.)

LIBELS FILED: On or about October 29, 1943, and February 28, 1944, Western District of Missouri.

ALLEGED SHIPMENT: From on or before October 11, 1943, to February 21, 1944, by the Olathe Creamery & Produce Co., Olathe, Kans.

PRODUCT: Butter: 194 5/6 cases, each case containing approximately 30 pounds, at Kansas City, Mo.

LABEL, IN PART: "Packed Expressly For Associated AG Grocers Kansas City Missouri," or "Olathe Brand Country Style Creamery Butter."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 29, 1943, and March 9, 1944. The Olathe Creamery & Produce Co. having admitted the adulteration of the product as alleged in the libel, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law. It was subsequently reworked.

6258. Adulteration of butter. U. S. v. 11 Boxes (682 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 11935. Sample Nos. 40646-F, 57600-F.)

LIBEL FILED: On or about February 10, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about January 26, 1944, by the Minneapolis Meat Supply Co., Minneapolis, Minn., from Sandstone, Minn.

PRODUCT: 11 boxes, each containing approximately 62 pounds, of butter at New York, N. Y.

LABEL, IN PART: "CH#2 Butter Hunter Walton & Co. * * * New York, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: February 28, 1944. The Minneapolis Meat Supply Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked and brought into compliance with the law.

6259. Adulteration of butter. U. S. v. 67 Boxes and 20 Cartons (5,568 pounds) of Butter. Consent decrees of condemnation. Product ordered released under bond to be reworked. (F. D. C. Nos. 11934, 12062. Sample Nos. 8393-F, 40216-F, 57599-F, 76527-F.)

LIBELS FILED: February 8 and March 16, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about January 26 and February 28, 1944, by the Roslyn Creamery Co., Roslyn, S. Dak.

PRODUCT: Butter: 20 cartons and 67 boxes, each containing approximately 64 pounds, at New York, N. Y.

LABEL, IN PART: "Creamery Butter Distributed by Zimmer & Dunkak Inc. * * * New York, N. Y. * * * Midwest Dairy Despatch Minneapolis Minn."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: February 19 and March 28, 1944. The Roslyn Creamery Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be reworked, under the supervision of the Food and Drug Administration, so that it contain at least 80 percent of milk fat.

MILK AND CHEESE

6260. Adulteration of cheese. U. S. v. 350 Boxes of Cheddar Cheese. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 10322. Sample Nos. 40858-F, 41060-F.)

LIBEL FILED: July 24, 1943, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about March 8, 1943, by the Great Atlantic & Pacific Tea Co., from Green Bay, Wis.

PRODUCT: 350 boxes, each containing one daisy, of Cheddar cheese at New Orleans, La.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites.

DISPOSITION: October 26, 1943. The Great Atlantic & Pacific Tea Co., New Orleans, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking and reprocessing under the supervision of the Food and Drug Administration. On December 14, 1943, the reworked and reprocessed product having been found to be still unfit for food, an amended decree was entered ordering that it be sold by the claimant for reworking and disposition as hog food, under the supervision of the Food and Drug Administration.

6261. Adulteration of cheese. U. S. v. 62 Boxes of Cheddar Cheese. Decree of condemnation. Product ordered released under bond to be denatured and used for animal feed. (F. D. C. No. 7844. Sample No. 94799-E.)

LIBEL FILED: July 3, 1942, District of Minnesota.

ALLEGED SHIPMENT: On or about June 17, 1942, by the Langenfeld Dairy Products Co., from Watertown, S. Dak.

PRODUCT: 62 boxes, each containing approximately 74½ pounds, of Cheddar cheese at Minneapolis, Minn.

Samples of the product were found to contain insects, straw, rodent hair fragments, and wood splinters. Inspection of the factory premises disclosed the existence of insanitary conditions and the use of dirty milk.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 17, 1944. Mathias Langenfeld, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured and disposed of as animal food, under the supervision of the Food and Drug Administration.

6262. Misbranding of Limburger cheese. U. S. v. 8½ Cases of Limburger Cheese. Default decree of condemnation. Product ordered delivered to a government agency. (F. D. C. No. 11294. Sample No. 915-F.)

LIBEL FILED: December 16, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: November 16, 1943, by the Shefford Cheese Co., Inc., from Monroe, Wis.

PRODUCT: 8½ cases, each containing approximately 60 bricks, of Limburger cheese, at Chicago, Ill.

LABEL, IN PART: (Wrapper on individual bricks) "Chippewa Cheese Natural Limburger Shefford Cheese Co. Inc. Distributors General Offices Green Bay, Wis. * * * This is not a packaged cheese of guaranteed weight. One ounce must be deducted at time of sale for the wrapper."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: February 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a government agency, to be used by it and not sold.

6263. Adulteration of cream. U. S. v. 1 10-Gallon Can of Churning Cream. Consent decree ordering that the product be disposed of for war purposes, or destroyed. (F. D. C. No. 10240. Sample No. 36763-F.)

LIBEL FILED: June 25, 1943, District of Colorado.

ALLEGED SHIPMENT: June 21, 1943, by Florsheim Mercantile, from Roy, N. Mex.

PRODUCT: 1 10-gallon can of churning cream at Trinidad, Colo. Examination of samples showed that this product contained one rodent hair, plant fiber, nondescript dirt, and mold.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

DISPOSITION: June 25, 1943. The consignee having admitted the allegations of the libel and having consented to the entry of an order for the immediate destruction of the product, a decree was entered accordingly, on the same date as the institution of the action, providing that the cream be churned and the resulting product sold for use for war purposes, or, if no arrangement for churning could be made, that the cream be destroyed.

6264. Adulteration and misbranding of dried skim milk. U. S. v. 100 Barrels and 73 Barrels of Dried Skim Milk. Consent decrees of condemnation. Product ordered released under bond to be sold for use in the manufacture of animal feed. (F. D. C. Nos. 11459, 11961. Sample Nos. 47620-F, 62436-F.)

LIBEL FILED: December 17, 1943, and March 8, 1944, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about November 22, 1943, and February 6, 1944, by the Saline County Milk Producers' Association, from Marshall, Mo.

PRODUCT: 173 200-pound barrels of dried skim milk at National Stock Yards, Ill.

LABEL, IN PART: "Roller Process Dried Skim Milk."

VIOLATIONS CHARGED: Adulteration (100 barrels), Section 402 (a) (3), the article was unfit for food. Adulteration (both lots), Section 402 (b) (2), a product made from neutralized sour skim milk had been substituted for dried skim milk.

Misbranding, Section 403 (a), the statement "Dried Skim Milk (For Human Consumption)," which appeared on the label, was false and misleading as applied to the product, since it was unfit for human consumption; and, Section 403 (g) (1), it purported to be and was represented as dried skim milk, but it failed to conform to the standard prescribed by the regulations since it had not been made from sweet skim milk, as required by the standard.

DISPOSITION: February 1 and March 27, 1944. The Saline County Milk Producers' Association having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond to be relabeled and sold for use in the manufacture of animal feed, under the supervision of the Food and Drug Administration.

EGGS AND EGG PRODUCTS

6265. Adulteration of dried whole eggs. U. S. v. 166 Barrels of Dried Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 10020. Sample No. 17591-F.)

LIBEL FILED: May 26, 1943; libel amended January 19, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 10, 1943, by the United States Navy, from Boston, Mass.

PRODUCT: 166 175-pound barrels of dried whole eggs at Brooklyn, N. Y.

LABEL IN PART: "Spray Dried Whole Egg * * * Samuel Dunkel & Co Inc N. Y. C. N. Y. * * * Mfd. Walton, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3) the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 9, 1944. The H. A. Johnson Co. Inc., New York, N. Y., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured under the supervision of the Federal Security Agency.

6266. Adulteration of dried whole eggs. U. S. v. 391 Barrels of Dried Whole Eggs (and 2 other seizure actions against dried whole eggs). Consent decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of the unfit portion. (F. D. C. Nos. 10736, 10737, 10852. Sample Nos. 17597-F, 17598-F.)

LIBELS FILED: On or about September 11 and October 1, 1943, District of New Jersey.

ALLEGED SHIPMENT: Between November 18 and December 21, 1942, by the Federal Surplus Commodities Corporation, from Brooklyn, N. Y.

PRODUCT: 522 200-pound barrels of dried whole eggs at Jersey City, N. J.

LABEL, IN PART: (Some barrels) "Samuel Dunkel & Co. NYC, NY."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 14, 1944. The cases having been consolidated, and the Importers Commission Co., Inc., New York, N. Y., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, or denatured and disposed of as fish food, fertilizer, or other technical purpose.

6267. Adulteration of frozen whole eggs. U. S. v. 1,335 Cartons and 1,356 Cartons of Frozen Whole Eggs (and 5 other seizure actions against frozen whole eggs). Consent decrees of condemnation. Product ordered re-released under bond or upon deposit of other collateral. (F. D. C. Nos. 11284, 11301, 11454, 11514, 11542. Sample Nos. 38850-F, 38851-F, 38856-F, 38857-F, 49624-F to 49626-F, incl., 57462-F.)

LIBEL FILED: Between December 8 and 30, 1943, Northern District of Illinois, Western and Southern Districts of New York.

ALLEGED SHIPMENT: From on or about June 5 to July 14, 1943, by the Iowa Pacific Butter and Egg Co., from Ottumwa, Iowa.

PRODUCT: 5,243 cartons at Chicago, Ill., 3,639 cartons at Buffalo, N. Y., and 1,183 cartons at New York, N. Y., labeled as containing 30 pounds of frozen whole eggs.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: Between January 7 and April 17, 1944. The Iowa Pacific Butter and Egg Co. having appeared as claimant for the lots at Chicago and Buffalo and for a portion of the product at New York, and Aiello Bros., Inc., Montclair, N. J., having appeared as claimant for the remainder of the product at New York, judgments of condemnation were entered. The Chicago and New York lots were ordered released under bond or other collateral, conditioned that the unfit portion be segregated and denatured under the supervision of the Food and Drug Administration. The Buffalo lots were ordered released upon deposit of a certified check, conditioned that the unfit portion be segregated and disposed of in conformity with the law, under the supervision of the Food and Drug Administration. The unfit portion of the Buffalo lots was subsequently denatured.

6268. Adulteration of shell eggs. U. S. v. 385 Cases of Shell Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11515. Sample No. 66134-F.)

LIBEL FILED: December 28, 1943, District of New Jersey.

ALLEGED SHIPMENT: On or about August 8, 1943, by Tyson Produce, Sioux City, Iowa, from Clinton, Iowa.

PRODUCT: 385 cases, each containing 30 dozen shell eggs, at Jersey City, N. J.

LABEL, IN PART: "Specials Tyson Produce."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 31, 1944. George Wittner & Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, or denatured and disposed of for technical purposes, under the supervision of the Food and Drug Administration.

6269. Adulteration of albumen skimmings. U. S. v. Joe Lowe Corporation. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 9615. Sample Nos. 2207-F, 2210-F.)

INFORMATION FILED: On July 7, 1943, in the Western District of Texas, against the Joe Lowe Corporation, San Antonio, Texas.

ALLEGED SHIPMENT: July 5 and 17, 1942, from the State of Texas into the State of Illinois.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of flies, beetles, larvae, pupae, insect fragments, and cast skins of larvae in one of the lots, and of the same kinds of filth and also mold in the other lot; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: January 7, 1944. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$500.

FEEDS

6270. Adulteration of hog feed. U. S. v. Charles L. Whyte (Whyte Feed Mills). Plea of nolo contendere. Fine, \$25 (F. D. C. No. 10597. Sample No. 25721-F.)

INFORMATION FILED: On December 6, 1943, in the Eastern District of Arkansas, against Charles L. Whyte, trading as the Whyte Feed Mills, Pine Bluff, Ark.

ALLEGED SHIPMENT: On or about March 10, 1943, from the State of Arkansas into the State of Texas.

PRODUCT: (Tags) "Horseshoe 40% Protein Supplement For Hogs."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements, "Guaranteed Analysis: Crude Protein not less than—40.00 Per Cent * * * Crude Fiber not more than—6.00 Per Cent," on the labeling, were false and misleading as the food contained not more than 33.28 percent of crude protein and not less than 8.10 percent of crude fiber.

DISPOSITION: March 6, 1944. A plea of nolo contendere having been entered, a fine of \$25 was imposed.

6271. Misbranding of livestock feed. U. S. v. The Sherwin-Williams Co. Plea of guilty. Fine, \$200. (F. D. C. No. 10551. Sample Nos. 26498-F, 26499-F.)

INFORMATION FILED: On September 23, 1943, in the Northern District of Ohio, against the Sherwin-Williams Co., a corporation, Cleveland, Ohio.

ALLEGED SHIPMENT: On or about January 12 and 25, 1943, from the State of Ohio into the State of Maryland.

LABEL IN PART: (Tags attached to sacks) "Sheesley's Champion Live Stock Feed * * * Analysis Minimum Crude Protein . . . 18% * * * Manufactured for B. F. Sheesley & Son Harrisburg, Penna."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statement, "Minimum Crude Protein 18%," borne on the labeling of the article, was false and misleading since the article in one shipment contained not more than 16.61 percent, and, in the other shipment, contained not more than 16.65 percent, of crude protein.

DISPOSITION: October 25, 1943, a plea of guilty having been entered, a fine of \$100 on each of 2 counts was imposed.

6272. Misbranding of dog food. U. S. v. 11½ Dozen Packages of Charge Dessert for Dogs. Default decree of condemnation and destruction. (F. D. C. No. 11308. Sample No. 65706-F.)

LABEL FILED: December 13, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about November 17, 1943, by the J. R. Smith Sales Co., Inc., from Tenafly, N. J.

PRODUCT: 11½ dozen packages, each containing 6 ounces, of Charge Dessert for Dogs, at New York, N. Y.

The product was a fudge-like candy. The statement of the ingredients contained in the article appeared in small print on two side panels of the package.

LABEL, IN PART: "Rx Dr. Beere's Prescribed Brand * * * Charge Dessert For Dogs Food Supplement Contains Minerals and Vitamins A B D G Manufactured for The Canine Vita Candy Co., Inc. * * * New York."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements appearing in the labeling of the article which suggested that the article was not a candy; that it was made without sugar; that its use would insure good health and a well-balanced diet; that it was particularly necessary to use such a product under present feeding conditions; and that its use would prevent infections, insure proper digestion and growth, and be effective in the treatment of skin ailments, were false and misleading since the article was candy with added vitamins and sugar in the form of dextrose and corn'sirup, and its use would not effect the results suggested and implied. The article was further misbranded in that statements in the labeling which suggested that dextrose has some unique property in supplying a dog with energy, and that the rate at which it is digested is nutritionally significant, were false and misleading, since dextrose is of no greater value as a source of energy than other carbohydrates for the normal dog, the rate or ease of digestibility is of no great significance, and dextrose has no particular value as a treatment for animals; and, Section 403 (f), the statement of ingredients required by the law to appear on the label of the article was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, and devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: January 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6273. Adulteration of meat scraps. U. S. v. 84 Bags of Meat Scraps. Default decree of condemnation. Product ordered delivered to a government hospital for use as fertilizer. (F. D. C. No. 11463. Sample No. 65685-F.)

LABEL FILED: December 20, 1943, Eastern District of New York.

ALLEGED SHIPMENT: On or about November 12, 1943, by Swift & Co., from Harrison, N. J.

PRODUCT: 84 100-pound bags of meat scraps at Brooklyn, N. Y.

LABEL, IN PART: (Tags) "Swift's Fifty Five Meat Scraps."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added deleterious substance, glass, which might have rendered it injurious to health.

DISPOSITION: February 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a U. S. Marine Hospital, for use as fertilizer.

FISH AND SHELLFISH

CANNED FISH AND SHELLFISH

6274. Adulteration of canned flaked fish. U. S. v. 27 Cases of Flaked Fish (and 3 other seizure actions against canned flaked fish). Decrees of condemnation. One lot ordered destroyed. Remaining lots ordered released under bond or upon deposit of cash collateral. (F. D. C. Nos. 11217, 11763, 11777, 11806. Sample Nos. 57922-F, 57924-F, 57970-F, 58481-F, 68919-F to 68922-F, incl.)

LIBELS FILED: Between December 3, 1943, and February 14, 1944, District of Colorado and District of Columbia.

ALLEGED SHIPMENT: From on or about August 25 to October 5, 1943, by Steinharter & Nordlinger, from New York, N. Y., and the Riviera Packing Co., from Eastport, Maine.

PRODUCT: Flaked Fish: 55 cases at Denver, Colo., and 194 cases at Washington, D. C., each case containing 48 cans.

LABEL, IN PART: (Cans) "Custom House Flaked Fish Contains Fresh Cod and Fresh Pollock * * * Packed by Riviera Packing Company Eastport, Me."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: On February 11, 1944, no claimant having appeared for one lot, judgment of condemnation was entered and the product was ordered destroyed. On August 8, 1944, Arnold Vogl and Victor N. Cory, doing business as the Riviera Packing Co., having appeared as claimants for the remaining lots, and the actions against such lots having been consolidated and removed to the Southern District of New York for trial, pursuant to the agreement of all parties, and the claimants having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond or upon deposit of cash collateral, conditioned that the unfit portion be segregated and destroyed, or denatured under the supervision of the Food and Drug Administration.

6275. Adulteration of canned oysters. U. S. v. 112 Cases and 116 Cases of Canned Oysters. Default decree of condemnation and destruction. (F. D. C. No. 10401. Sample Nos. 39701-F, 39702-F.)

LIBEL FILED: August 19, 1943, District of Arizona.

ALLEGED SHIPMENT: On or about May 20, 1943, by the L. C. Mays Co., Inc., from New Orleans, La.

PRODUCT: 228 cases at Phoenix, Ariz., each case containing 48 cans of oysters.

LABEL, IN PART: (Cans) "C. C. Brand Oysters * * * Packed by C. C. Company Biloxi, Miss.," or "High Sea Brand Oysters."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 6, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6276. Adulteration of canned oysters. U. S. v. 347 Cases of Canned Oysters. Decree of condemnation. Product ordered released under bond for salvaging of fit portion. (F. D. C. No. 10287. Sample No. 36242-F.)

LIBEL FILED: July 22, 1943, District of Colorado.

ALLEGED SHIPMENT: On or about March 10, 1943, by the Southern Shell Fish Co., Inc., Mobile, Ala., from New Orleans, La.

PRODUCT: 347 cases, each containing 24 cans, of oysters at Denver, Colo.

LABEL, IN PART: (Cans) "Gulf Kist Oysters."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 4, 1943. The Southern Shell Fish Co., Inc., New Orleans, La., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging of the fit portion, under the supervision of the Food and Drug Administration.

6277. Adulteration of canned oysters. U. S. v. 186 Cases of Canned Oysters (and 4 other seizure actions against canned oysters). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 10124, 12227. Sample Nos. 42669-F, 66558-F, 66568-F.)

LIBELS FILED: On or about June 24 and 28, 1943, District of Oregon; April 20, 1944, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about May 12, 1943, from Biloxi, Miss., and on or about February 26, 1944, from Gulfport, Miss., by the Orleans Seafood Corporation.

PRODUCT: Canned oysters: 186 cases, 196 cases, 103 cases, 67 cases, and 49 cases, each containing 48 cans, at Portland, Corvallis, McMinnville, and The Dalles, Oreg., and Oklahoma City, Okla., respectively.

LABEL, IN PART: (Cans) "Biloxi Brand [or "Orleans Brand Cove"] Oysters."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 19, 1943, and June 1, 1944. Hudson-Duncan & Co., Portland, Oreg., claimant for the lots at various points in Oregon, and the Orleans Seafood Corporation, claimant for the lot at Oklahoma City, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration.

6278. Adulteration of canned salmon. U. S. v. Whitney & Co. Plea of nolo contendere. Fine, \$1,750 and costs. (F. D. C. No. 10565. Sample No. 19626-F.)

INFORMATION FILED: On November 8, 1943, in the Western District of Washington, against Whitney & Co., Seattle, Wash., a corporation.

ALLEGED SHIPMENT: On or about February 9, 1943, from the State of Washington into the State of Massachusetts.

LABEL, IN PART: "Golden Shore Brand Alaska Salmon."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 28, 1944. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$1,750 and costs.

FRESH FISH AND SHELLFISH

6279. Adulteration of fresh herring. U. S. v. 5 Boxes and 6 Boxes of Herring. Default decrees of condemnation and destruction. (F. D. C. Nos. 11870, 11880. Sample Nos. 54426-F, 54430-F.)

LIBELS FILED: February 23, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 14 and 16, 1944, from Marinette, Wis., by the Orin Angwall Fish Co.

PRODUCT: Fresh herring: 6 boxes, each containing approximately 100 pounds, and 5 boxes, each containing 120 pounds, at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: March 3 and April 5, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6280. Adulteration of fresh herring. U. S. v. 13 Boxes of Herring. Default decree of condemnation and destruction. (F. D. C. No. 11876. Sample No. 54427-F.)

LIBEL FILED: February 24, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 15, 1944, by the Coffey Fishing Co., from Marinette, Wis.

PRODUCT: 13 boxes, each containing approximately 55 pounds, of herring at Chicago, Ill.

LABEL, IN PART: "Blufins."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: March 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6281. Adulteration of fresh herring. U. S. v. 3 Boxes and 4 Boxes of Herring. Decrees of condemnation and destruction. (F. D. C. Nos. 11761, 11812. Sample Nos. 67364-F, 67369-F.)

LIBELS FILED: February 7 and 14, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 29 and February 7, 1944, by the Morris Fisheries, Inc., Chicago, Ill.

PRODUCT: Fresh Herring: 4 boxes, each containing about 60 pounds, and 3 boxes, each containing 70 pounds, at Cincinnati, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: February 8, 1944. The consignee of one lot having consented to the entry of a decree, judgment was entered, ordering that lot destroyed. On February 25, 1944, no claimant having appeared for the remaining lot, judgment of condemnation was entered and it was ordered destroyed.

6282. Adulteration of fresh herring. U. S. v. 5 Boxes of Fresh Herring. Default decree of condemnation and destruction. (F. D. C. No. 11811. Sample No. 67370-F.)

LIBEL FILED: February 14, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 7, 1944, by the Lake Side Fish & Oyster Co., Chicago, Ill.

PRODUCT: 5 unlabeled boxes, each containing 70 pounds, of herring at Cincinnati, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: February 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6283. Adulteration of fresh herring. U. S. v. 6 Boxes of Herring. Decree of destruction. (F. D. C. No. 11619. Sample No. 67269-F.)

LIBEL FILED: January 13, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 4, 1944, by the Standard Fish Co., Chicago, Ill.

PRODUCT: 6 boxes, each containing 75 pounds, of herring at Cincinnati, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: January 14, 1944. The consignee having consented to the entry of a decree, judgment was entered, ordering the destruction of the product.

6284. Adulteration of fresh oysters. U. S. v. 104 Cans of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 11646. Sample No. 58629-F.)

LIBEL FILED: January 17, 1944, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 12, 1944, by Charles W. Howeth & Bro., from Crisfield, Md.

PRODUCT: 104 1-pint cans of oysters at York, Pa.

LABEL, IN PART: (Can) "Extra Select One Pint Fresh Oysters."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), water had been substituted in whole or in part for the article; and, Section 402 (b) (4), water had been added to or mixed or packed with the article so as to increase its bulk or weight and reduce its quality.

DISPOSITION: February 14, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6285. Adulteration of fresh whitefish. U. S. v. 1 Box of Whitefish (and 2 other seizure actions against whitefish). Default decrees of condemnation and destruction. (F. D. C. Nos. 11694, 11706, 11707. Sample Nos. 48287-F, 48289-F, 48290-F.)

LIBELS FILED: January 22 and 24, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about January 10, 11, and 12, 1944, by the American Fish Co., Detroit, Mich.

PRODUCT: Fresh whitefish: 8 50-pound boxes, 3 60-pound boxes, and 1 40-pound box at Cleveland, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: February 19 and 23, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

FROZEN FISH AND SHELLFISH

6286. Adulteration of frozen haddock fillets. U. S. v. 66 Boxes and 150 Pounds of Frozen Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. No. 10908. Sample No. 48488-F.)

LIBEL FILED: October 11, 1943, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 8, 1943, by Schneier's Seafoods, Inc., from Boston, Mass.

PRODUCT: 66 boxes, each containing 15 pounds, and 150 pounds of frozen haddock fillets, at Akron, Ohio.

LABEL, IN PART: (Boxes marked) "Standard Fish Co. Standard Brand Boston Mass."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6287. Adulteration of frozen herring. U. S. v. 119 Boxes of Herring. Default decree of condemnation. Product ordered sold for fertilizer material. (F. D. C. No. 11296. Sample No. 49833-F.)

LIBEL FILED: December 10, 1943, Western District of New York.

ALLEGED SHIPMENT: On or about November 22 and 23, 1943, by the American Fish Co., from Detroit, Mich.

PRODUCT: 119 boxes, each containing 40 or 60 pounds, of frozen herring at Buffalo, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: April 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for fertilizer material.

6288. Adulteration of frozen herring. U. S. v. 54 Boxes of Herring (and 3 other seizure actions against herring). Default decrees of condemnation. Product ordered sold for fertilizer material. (F. D. C. Nos. 11282, 11297. Sample Nos. 50002-F to 50004-F, incl.)

LIBELS FILED: December 8 and 10, 1943, Western District of New York.

ALLEGED SHIPMENT: From on or about November 19 to 30, 1943, by the United Fish Distributors, from Detroit, Mich.

PRODUCT: Frozen herring: 54 boxes, each containing 125 pounds, 90 boxes, each containing 100 pounds, 60 boxes, each containing 60 pounds, and 2 boxes, each containing 70 pounds, at Buffalo, N. Y.

LABEL, IN PART: "Golden Fish & Transport Co. Dealers in * * * Georgian Bay - Lake Huron Fish, Product of Canada."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: April 4 and 8, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered sold for fertilizer material.

6289. Adulteration of frozen mullet fillets. U. S. v. 103 Boxes of Mullet Fillets. Consent decree of condemnation. Product ordered released under bond for segregation of the good portion from the bad. (F. D. C. No. 10367. Sample Nos. 8992-F, 8993-F.)

LIBEL FILED: August 6, 1943, Southern District of Texas.

ALLEGED SHIPMENT: On or about June 5, 1943, by Field Headquarters, Perishable Section, from Winnipeg, Canada, to El Paso, Tex.; reshipped to Galveston.

PRODUCT: 103 50-pound boxes of mullet fillets at Galveston, Tex.

LABEL, IN PART: "Mullet Fillets Product of Canada."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 31, 1943. Morris Fisheries, Inc., claimant, having admitted the allegations of adulteration set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration.

6290. Adulteration of frozen rosefish. U. S. v. 33 Boxes of Frozen Rose Fish. Default decree of condemnation and destruction. (F. D. C. No. 11058. Sample No. 46737-F.)

LIBEL FILED: November 4, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 22, 1943, by the Reba Fisheries, from Boston, Mass.

PRODUCT: 33 boxes, each containing 10 pounds, of frozen rosefish at Chicago, Ill.

LABEL, IN PART: "Rosefish * * * Georges Bank Brand Fish John Mantia & Sons Co. Inc. Boston, Mass."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: February 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6291. Adulteration of frozen shrimp. U. S. v. 8,180 Cartons of Frozen Fresh Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 10458. Sample No. 40835-F.)

LIBEL FILED: August 24, 1943, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about August 8, 1943, by the Morgan City Packing Co., from Morgan City, La.

PRODUCT: 8,180 5-pound cartons of frozen fresh shrimp, at Jackson, Miss.

LABEL, IN PART: "Burgess Brand Frozen Fresh Shrimp Geo. E. Burgess Distributor New Orleans, La."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 4, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6292. Adulteration of frozen shrimp. U. S. v. 3 Boxes and 25 Boxes of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 11486. Sample Nos. 38493-F, 38494-F.)

LIBEL FILED: December 24, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: From the State of Louisiana or Alabama, by an unknown shipper; stored on September 3, 1943.

PRODUCT: 3 boxes, containing a total of about 295 pounds, and 25 boxes, containing a total of about 3,147 pounds, of frozen headless shrimp.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6293. Adulteration of frozen shrimp. U. S. v. 149 Cases of Frozen Shrimp. Default decree of condemnation and destruction. Amended decree entered ordering product disposed of as fish food. (F. D. C. No. 11536. Sample No. 39267-F.)

LIBEL FILED: December 28, 1943, Southern District of California.

ALLEGED SHIPMENT: On or about November 1, 1943, by the Western Shell Fish Co., from Galveston, Tex.

PRODUCT: 149 cases, each containing 10 5-pound cartons of frozen shrimp, at Los Angeles, Calif.

LABEL, IN PART: (Carton). "Frozen Fresh Gulfwater Brand Shrimp Packed for Louisiana Fisheries Golden Meadow Louisiana."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On February 14, 1944, an amended decree was entered, ordering delivery of the product to the California Fish and Game Commission, to be used as fish food.

6294. Adulteration of frozen shrimp. U. S. v. 54 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 11768. Sample No. 65953-F.)

LIBEL FILED: February 8, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about August 15, 1943, by the S & J Seafood Co., Fernandina, Fla.

PRODUCT: 54 10-pound bags of frozen shrimp at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6295. Adulteration of frozen shrimp. U. S. v. 17 Boxes of Frozen Shrimp (and 3 other seizure actions against frozen shrimp). Decrees of condemnation. Portion of product ordered released under bond for salvaging of edible part; remainder ordered destroyed. (F. D. C. Nos. 11273, 11554, 11566, 11581. Sample Nos. 50947-F, 56685-F, 56693-F, 56696-F, 65945-F, 65946-F.)

LIBELS FILED: Between December 11, 1943, and January 8, 1944, Southern District of New York and District of New Jersey.

ALLEGED SHIPMENT: From on or about August 19 to October 2, 1943, by the Liberty Fish Co., Philadelphia, Pa., and Beaufort, S. C.

PRODUCT: Frozen shrimp: 17 boxes containing approximately 2,626 pounds and 174 10-pound bags at New York, N. Y.; and 125 boxes, each containing 100 pounds, at Swedesboro, N. J.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: On January 28, 1944, Fred Goldstein, trading under the name of the Liberty Fish Co., having appeared as claimant for the lot at Swedesboro, and having admitted the allegations of the libel, judgment of condemnation was entered and 25 boxes of the shrimp were ordered released under bond for segregation of the edible portion and destruction of the remainder, under the supervision of the Food and Drug Administration. On March 17, 1944, the court ordered the remaining 100 cases released under bond at a rate not to exceed 25 cases per week; and on March 27, 1944, a decree was entered ordering the remaining 75 cases released in one lot for salvaging. No claimant having appeared for the New York lots, judgments of condemnation were entered on January 5, 22, and 24, 1944, and the product was ordered destroyed.

6296. Adulteration of frozen whitefish. U. S. v. 11 Boxes of Whitefish. Default decree of condemnation and destruction. (F. D. C. No. 11669. Sample No. 65949-F.)

LIBEL FILED: January 19, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about January 5, 1944, by the Liberty Fish Co., Philadelphia, Pa.

PRODUCT: 11 boxes, each containing 60 pounds, of frozen whitefish, at New York, N. Y.

LABEL, IN PART: "Whitefish 60 Lb. Net Product of Canada."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6297. Adulteration of frozen whitefish. U. S. v. 37 Boxes of Frozen White Fish. Default decree of condemnation and destruction. (F. D. C. No. 11675. Sample No. 65948-F.)

LABEL FILED: January 21, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about December 30, 1943, by the Shapiro Fisheries, Inc., Chicago, Ill.

PRODUCT: 37 boxes, containing a total of 5,316 pounds, of frozen whitefish at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6298. Adulteration of frozen whiting. U. S. v. 334 Boxes of Frozen Whiting. Default decree of condemnation. Product ordered disposed of as fish food. (F. D. C. No. 11614. Sample No. 13734-F.)

LABEL FILED: January 11, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about July 30, 1943, by Atlas Foods, from New York, N. Y.

PRODUCT: 334 boxes, each containing 15 pounds, of frozen whiting at Los Angeles, Calif.

LABEL, IN PART: (Portions of product) "Frozen H&G Whiting," or "Butterfly Whiting."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 14, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the State of California Fish and Game Commission, to be used for fish food.

6299. Adulteration of frozen whiting fillets. U. S. v. 820 Cartons of Frozen Whiting Fillets. Consent decree of condemnation. Product ordered released under bond to be brought into conformity with the law. Supplemental decree entered ordering portion of product destroyed. (F. D. C. No. 11048. Sample No. 41545-F.)

LABEL FILED: October 30, 1943, Western District of Texas.

ALLEGED SHIPMENT: On or about September 1, 1943, by the McCrary-Motheral Fish Co., from Pittsburgh, Pa.

PRODUCT: 820 10-pound cartons of frozen whiting fillets at San Antonio, Tex.

LABEL, IN PART: "Butterfly Whiting Progressive Fish Co. Gloucester, Mass.," or "Butterfly Whiting Fillets Packed by Progressive Fillet Company Gloucester, Mass."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: Thomas A. McCrary, trading as the McCrary-Motheral Fish Co., San Antonio, Texas, claimant, having admitted the allegation of the libel as to adulteration, judgment of condemnation was entered November 12, 1943, and the product was ordered released under bond to be brought into conformity with the law under the supervision of the Food and Drug Administration. On December 4, 1943, 1,004 cases of the product having been seized, the excess consisting of 184 10-pound cartons, and the claimant having admitted that the excess could not be brought into conformity with the law and having consented to its condemnation, a decree was entered in accordance with such consent and the lot was ordered destroyed.

FRUITS AND VEGETABLES

CANNED FRUIT

6300. Misbranding of canned cherries. U. S. v. 46 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 11520. Sample No. 36497-F.)

LIBEL FILED: December 30, 1943, District of Nebraska.

ALLEGED SHIPMENT: On or about November 22, 1943, by the Delta County Canning Co., Delta, Colo.

PRODUCT: 46 cases, each containing 6 No. 10 cans, of cherries, at Scottsbluff, Nebr.

LABEL, IN PART: "Town Talk Red Sour Pitted Cherries."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the quality of the product fell below the standard for canned cherries prescribed by the regulations, since more than 1 pit was present in each 20 ounces of the article, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below the standard.

DISPOSITION: January 31, 1944. The Delta County Canning Co., of Delta, Colo., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling in compliance with the law.

6301. Misbranding of canned cherries. U. S. v. 49 Cases of Cherries. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 11019. Sample No. 29741-F.)

LIBEL FILED: November 8, 1943, Northern District of Texas.

ALLEGED SHIPMENT: On or about October 16, 1943, by the Fruitvale Canning Co., Oakland, Calif.

PRODUCT: 49 cases, each containing 24 cans, of cherries at Amarillo, Tex.

LABEL, IN PART: "Royal Anne Brimfull Brand Light Sweet Cherries."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the quality of the product fell below the standard for canned cherries prescribed by the regulations, because more than 15 percent by count of the cherries in the container were blemished, and its label did not bear the substandard legend.

DISPOSITION: January 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

6302. Misbranding of canned cherries. U. S. v. 99 Cases of Canned Cherries. Decree ordering the release of the product under bond for relabeling. (F. D. C. No. 11079. Sample No. 29746-F.)

LIBEL FILED: November 24, 1943, Eastern District of Washington.

ALLEGED SHIPMENT: On or about October 8, 1943, by the Independent Grocers Alliance Distributing Co., Alameda, Calif.

PRODUCT: 99 cases, each containing 48 cans, of cherries.

LABEL, IN PART: (Cans) "Hunt's Superior Quality Royal Ann Light Sweet Cherries * * * In Heavy Syrup Packed By Hunt Brothers Packing Company Main Office San Francisco Calif."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statement appearing on the label of the article, "In Heavy Syrup," was false and misleading as applied to the canned cherries, which were packed in light sirup.

DISPOSITION: January 4, 1944. The Hunt Brothers Packing Co., claimant, having admitted the allegations in the libel, judgment was entered, ordering that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

6303. Misbranding of canned fruit cocktail. U. S. v. 217 Cases of Canned Fruit Cocktail. Default decree of condemnation and destruction. Amended decree entered, ordering the product released under bond for relabeling. (F. D. C. No. 11188. Sample No. 29749-F.)

LIBEL FILED: November 26, 1943, Western District of New York.

ALLEGED SHIPMENT: On or about October 27, 1943, by the Independent Grocers Alliance Distributing Co., from Oakland, Calif.

PRODUCT: 217 cases, each containing 24 cans, of fruit cocktail at Rochester, N. Y.

LABEL, IN PART: (Cans) "Veteran Fruit Cocktail * * * Distributed by Brewster Gordon Co. Inc. Rochester, N. Y."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the article purported to be and was represented as canned fruit cocktail, a food for which a standard of quality has been prescribed by regulations, but its quality fell below the standard, since over 20 percent by weight of the diced peach and pear units in the container were more than $\frac{3}{4}$ inch in greatest edge dimension, or would pass through the meshes of a $\frac{5}{16}$ -inch sieve, referred to in the regulations; and the label did not bear the substandard legend, as required by the regulations.

DISPOSITION: February 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On March 20, 1944, Brewster Gordon & Co. having appeared as claimant, the decree was amended to permit release of the product, under bond, to be relabeled under the supervision of the Food and Drug Administration.

6304. Misbranding of canned fruit cocktail. U. S. v. 93 Cases and 99 Cases of Canned Fruit Cocktail. Decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 11588, 11937. Sample Nos. 30267-F, 60266-F.)

LIBEL FILED: January 7 and March 21, 1944, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about November 19, 1943, and February 29, 1944, by the A. M. Beebe Co., Inc., from Alameda and San Francisco, Calif.

PRODUCT: 192 cases, each containing 6 No. 10 cans, of fruit cocktail at Richmond, Va.

LABEL, IN PART: (Cans) "Lady Luck Brand Fruit Cocktail * * * Packed By Oakland Canning Company Oakland, California," or "Grade B Santa Ana Fruit Cocktail * * * Packed By Hollister Canning Co. Hollister * * * California."

VIOLATION CHARGED: Misbranding, Section 403 (g) (1), the article purported to be and was represented as canned fruit cocktail, a food for which a definition and standard of identity has been prescribed by the regulations, but it failed to conform to the definition and standard since the percent by weight of pears in one lot, and of peaches in the other lot, exceeded the maximum permitted by the standard, i. e., 45 percent for pears and 50 percent for peaches.

DISPOSITION: January 15 and April 17, 1944. W. H. Williams having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6305. Misbranding of canned fruit cocktail. U. S. v. 83 Cases of Canned Fruit Cocktail. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11083. Sample No. 29687-F.)

LIBEL FILED: On or about November 29, 1943, District of Oregon.

ALLEGED SHIPMENT: On or about October 20, 1943, by Turlock Cooperative Growers, from Oakland, Calif.

PRODUCT: 83 cases, each containing 48 1-pound cans, of fruit cocktail at Klamath Falls, Oreg.

LABEL, IN PART: (Cans) "Gold Winner Fruit Cocktail."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the article purported to be and was represented as canned fruit cocktail, a food for which a standard of quality has been prescribed by regulations, but its quality fell below the standard since the product was diced, and more than 20 percent by weight of the peach and pear units in the container were more than $\frac{3}{4}$ inch in greatest edge dimension, or would pass through the $\frac{5}{16}$ -inch sieve referred to in the standard; and the label did not bear the substandard legend, as required by the regulations.

DISPOSITION: April 3, 1944. Turlock Cooperative Growers, claimants, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6306. Adulteration and misbranding of canned gooseberries. U. S. v. 18 Cases of Canned Gooseberries. Default decree of condemnation. Product ordered delivered to a government institution. (F. D. C. No. 10775. Sample No. 12629-F.)

LIBEL FILED: September 16, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about June 16, 1943, by the Paulus Bros., Packing Co., from Salem, Oreg.

PRODUCT: 18 cases, each containing 24 jars, of canned gooseberries at Seattle, Wash.

LABEL, IN PART: (Jars) "Blue Tag Gooseberries."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a liquid packing medium had been substituted in whole or in part for gooseberries, which the article purported and was represented to be.

Misbranding, Section 403 (d), the containers were so filled as to be misleading because the berries had separated into sinkers and floaters in such a fashion that there was a space hidden from view behind the band label which contained packing medium only.

DISPOSITION: October 10, 1944. The Paulus Bros. Packing Co., claimant, having withdrawn its claim and answer, judgment of condemnation was entered and the product was ordered delivered to a government institution.

6307. Adulteration of canned prunes. U. S. v. 200 Cases of Water Pack Prunes (and 1 other seizure action against canned prunes). Default decree of condemnation and destruction with respect to 1 lot; remaining lot ordered released under bond for segregation of the fit portion from the unfit portion. (F. D. C. Nos. 11250, 12375. Sample Nos. 55272-F, 65600-F.)

LIBEL FILED: December 13, 1943, Eastern District of Washington; May 20, 1944, District of Idaho.

ALLEGED SHIPMENT: From on or about November 8 to December 14, 1943, by the Spencer Packing Co., Lebanon, Oreg.

PRODUCT: 200 cases, each containing 6 No. 10 cans, of prunes at Spokane, Wash., and 166 cases, each containing 6 No. 10 cans, of prunes at Boise, Idaho.

LABEL, IN PART: "Tradewell Brand Water Pack Prunes * * * Packed by Lebanon Fruit Growers Association Lebanon, Oregon, USA," or "Spencerian Brand Water Pack Fresh Prunes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 16, 1944. The Spencer Packing Co. having appeared as claimant for the lot located at Spokane, Wash., and having admitted the allegations of the libel, judgment was entered ordering the product released under bond for segregation of the fit portion from the unfit portion, under the supervision of the Food and Drug Administration. On July 14, 1944, no claimant having appeared for the lot located at Boise, Idaho, judgment of condemnation was entered and the product was ordered destroyed.

6308. Adulteration of canned black raspberries. U. S. v. 100 Cases and 35 Cases of Canned Black Raspberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 11561, 11562. Sample Nos. 43714-F, 47656-F.)

LIBELS FILED: December 31, 1943, and on or about January 4, 1944, Southern District of Iowa, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 4 and 20, 1943, by the Michigan Fruit Cannery, Inc., from Benton Harbor, Mich.

PRODUCT: Black raspberries: 100 cases, each containing 24 15-ounce cans at Kansas City, Mo., and 35 cases, each containing 6 No. 10 cans, at Des Moines, Iowa.

This product contained moldy berries.

LABEL, IN PART: (Cans) "Water Pack Climber Michigan Black Raspberries," or "Lee Black Raspberries * * * Distributors H. D. Lee Mercantile Co., Kansas City, Mo., Salina, Kas."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 14 and March 13, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

DRIED FRUIT

6309. Adulteration of dates. U. S. v. 139 Cases and 400 Boxes of Dates. Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 11440, 11547. Sample Nos. 57937-F, 58185-F, 58194-F.)

LIBELS FILED: December 16 and 31, 1943, District of Colorado.

ALLEGED SHIPMENT: On or about November 5 and 17, 1943, by Calavo, Inc., from Covina and Los Angeles, Calif.

PRODUCT: 139 cases, each containing 24 12-ounce cartons, of dates, and 400 15-pound boxes of dates at Denver, Colo.

LABEL, IN PART: (Cartons) "Cal-Trop California Tropical Fruits."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, beetles, insect excreta, and insects.

DISPOSITION: March 14, 1944. Calavo, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be salvaged by separating the fit from the unfit dates, under the supervision of the Food and Drug Administration.

6310. Adulteration of dates. U. S. v. 9 Flats and 66 Flats of Dates. Default decrees of condemnation and destruction. (F. D. C. Nos. 11191, 11310. Sample Nos. 64804-F, 64805-F, 64814-F.)

LIBELS FILED: November 30, 1943, Western District of Washington; on or about January 6, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about October 23 and November 13, 1943, by the Pacific Fruit & Produce Co., from Los Angeles, Calif.

PRODUCT: 9 flats of dates at Seattle, Wash., and 66 flats of dates at Medford, Oreg., each flat containing 15 pounds.

LABEL, IN PART: "La-Nut Brand California Deglet-Noor Dates Packed For L. A. Nut House, Los Angeles, California," or "Packed for United Date Growers Indio, California * * * Fancy Hydrated Saidy," or "Fancy Hydrated Zahidy * * * Grown in Arizona."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following: Worms, insect excreta, and larvae; and (2 flats) it consisted in whole or in part of a decomposed substance.

DISPOSITION: February 18 and July 29, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6311. Adulteration of dates. U. S. v. 76 Flats of Dates. Default decree of condemnation and destruction. (F. D. C. No. 11575. Sample No. 70401-F.)

LIBEL FILED: On or about January 7, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about December 3, 1943, by the Los Angeles Nut House, from Los Angeles, Calif.

PRODUCT: 76 flats, each containing 15 pounds, of dates at Portland, Oreg.

LABEL, IN PART: "L. A. Nut Brand California Deglet-Noor Dates."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, larvae and insect excreta.

DISPOSITION: March 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6312. Adulteration of dates. U. S. v. 45 Cases of Dates (and 3 other seizure actions against dates). Default decrees of condemnation. Product ordered disposed of as hog feed or destroyed, with the exception of 1 case which was ordered returned to the shipper. (F. D. C. Nos. 11636, 11637, 11649, 11665. Sample Nos. 30193-F, 36527-F, 36528-F, 55580-F, 65520-F, 65536-F.)

LIBEL FILED: January 18 and 19, 1944, District of Utah and Eastern District of Washington.

ALLEGED SHIPMENT: From on or about October 9 to November 26, 1943, by Sterling Food Products, from Los Angeles, Calif.

PRODUCT: Dates: 18 cases at Spokane, Wash., and 50½ cases at Salt Lake City, Utah, each containing 24 packages; and 9 cases, each containing 16 packages, at Yakima, Wash.

LABEL, IN PART: (Packages) "Desert Treasure Brand California Dates."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), a portion of the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect excreta; and the remainder consisted in whole or in part of a filthy and decomposed substance by reason of the presence of wormy, moldy, and fermented dates.

DISPOSITION: Between February 26 and April 29, 1944. No claimant having appeared, judgments of condemnation were entered and the product seized at Salt Lake City was ordered disposed of as hog feed; the remaining lots were ordered destroyed, with the exception of one case in the Spokane lot which was ordered returned to the shipper for analysis but not for sale.

6313. Adulteration of dates. U. S. v. 665 Bags of Dried Dates. Decree of condemnation. Product ordered released under bond to be converted into alcohol. (F. D. C. No. 11574. Sample No. 39643-F.)

LABEL FILED: January 4, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about November 6, 1943, by Mrs. John Ehrlich, from Yuma, Ariz.

PRODUCT: 665 lugs, each containing approximately 30 pounds, of dried dates at Los Angeles, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect larvae.

DISPOSITION: January 19, 1944. Mrs. John Ehrlich, claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into alcohol, under the supervision of the Food and Drug Administration.

6314. Adulteration of dried grape pomace. U. S. v. 882 Bags of Dried Grape Pomace. Decree of condemnation. Product ordered destroyed. (F. D. C. No. 11139. Sample No. 39622-F.)

LABEL FILED: November 17, 1943, Southern District of California.

ALLEGED SHIPMENT: On or about October 14, 1942, from Naples, N. Y.

PRODUCT: 882 bags, each containing about 40 pounds, of dried grape pomace at Los Angeles, Calif., in possession of the California Preserving Co.

The product was stored under insanitary conditions after shipment. Some of the bags had been gnawed by rats, loose grape pomace was scattered on top of and around the pile of bags, and rat pellets were found on the bags. Examination of samples showed that the product contained rodent excreta, rodent hairs, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: December 27, 1943. The California Preserving Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned and brought into compliance with the law, under the supervision of the Food and Drug Administration. It having been found that the product could not be satisfactorily reconditioned, judgment was entered on or before April 15, 1944, ordering that the product be destroyed.

6315. Adulteration of prunes. U. S. v. 22 Boxes of Dried Prunes. Default decree of condemnation. Product ordered delivered to a Federal institution, for use as hog feed. (F. D. C. No. 10741. Sample No. 35802-F.)

LABEL FILED: September 15, 1943, Northern District of Florida.

ALLEGED SHIPMENT: On or about July 9, 1943, by Rosenberg Brothers & Co., from San Francisco, Calif.

PRODUCT: 22 25-pound boxes of dried prunes at Marianna, Fla.

LABEL, IN PART: "Iris Brand California 40-50 Prunes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and moldy prunes.

DISPOSITION: March 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal correctional institution, to be used as hog feed.

FRESH FRUIT

6316. Adulteration of apples. U. S. v. 32 Crates of Jonathan Apples. Default decree of condemnation and destruction. (F. D. C. No. 11472. Sample No. 54949-F.)

LIBEL FILED: November 20, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: October 10, 1943, by Albert Nye, from Fennville, Mich.

PRODUCT: 32 crates of Jonathan apples at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the apples contained an added poisonous or deleterious substance, lead, which might have rendered them injurious to health.

DISPOSITION: January 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6317. Adulteration of grapes. U. S. v. 125 Barrels of Grapes. Decree of condemnation. Product ordered released upon deposit of cash collateral. (F. D. C. No. 11677. Sample No. 51812-F.)

LIBEL FILED: January 20, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 28, 1943, by the G. H. Hammond Co. and the J. A. Kirsch Co., New York, N. Y.

PRODUCT: 125 barrels, each containing 375 pounds, of grapes at Cambridge, Mass. Examination showed that this product was fermenting.

LABEL, IN PART: "Fruit Processors Inc. S&C Grapes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 11, 1944. Trentini's Winery, Camden, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released, upon deposit of cash collateral, to be converted into wine.

6318. Adulteration of huckleberries. U. S. v. 180 Baskets of Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 11259. Sample No. 58436-F.)

LIBEL FILED: December 6, 1943, District of Columbia.

PRODUCT: 180 bushel baskets of huckleberries in interstate commerce in the District of Columbia, in possession of the Terminal Refrigerating & Warehouse Corp., stored to the account of the Connecticut Pie Co.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: January 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6319. Adulteration of fresh huckleberries. U. S. v. 4 Crates of Fresh Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 10486. Sample No. 56616-F.)

LIBEL FILED: August 6, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about August 4, 1943, by Tony Puleo, from Hammononton, N. J.

PRODUCT: 4 crates, each containing 36 pints, of fresh huckleberries at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of maggot infestation.

DISPOSITION: August 30, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FROZEN FRUIT

6320. Adulteration of frozen blackberries. U. S. v. 190 Barrels of Frozen Blackberries. Decree of condemnation. Product ordered released under bond to be used in wine making. (F. D. C. No. 11779. Sample No. 68814-F.)

LIBEL FILED: February 11, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about June 11, 12, and 15, 1943, by Ambrose & Co., from Lindale, Tex.

PRODUCT: 190 barrels, each containing 330 to 360 pounds, of frozen blackberries at Denver, Colo.

Examination showed that the product was fermented.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 2, 1944. Ambrose & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be used in wine making, under the supervision of the Food and Drug Administration.

6321. Adulteration and misbranding of frozen cherries. U. S. v. 1,665 Cartons of Cherries. Decree ordering product released under bond. (F. D. C. No. 10733. Sample No. 13979-F.)

LIBEL FILED: September 10, 1943, Southern District of California.

ALLEGED SHIPMENT: On or about August 19, 1943, by F. J. Nugent & Son, from Loveland, Colo.

PRODUCT: 1,665 cartons, each containing 30 pounds, of frozen cherries at Los Angeles, Calif.

Examination showed that the product was decomposed. It contained pits in excess of the number which can be regarded as unavoidable. Under good commercial practice, pits can be kept down to 1 pit per 20 ounces, or less.

LABEL, IN PART: (Some cartons) "RSP Cherries."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and Section 402 (b) (2), partially pitted cherries had been substituted in whole or in part for pitted cherries, which the article purported or was represented to be.

Misbranding (portion of the article), Section 403 (a), the statement on the labeling, "RSP Cherries" (meaning red sour pitted cherries), was false and misleading as applied to partially pitted cherries.

DISPOSITION: October 8, 1943. F. J. Nugent & Son, claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was subsequently converted into brandy.

6322. Adulteration of frozen peaches. U. S. v. 74 Barrels of Peaches. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11640. Sample Nos. 57466-F, 57474-F.)

LIBEL FILED: On or about January 17, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about October 27, 1943, by the Midfield Packing Co., from Tacoma, Wash.

PRODUCT: 74 barrels, each containing 425 pounds, of frozen peaches at Jersey City, N. J.

Examination showed that the product was fermented.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 22, 1944. The Stevenson Pie Co., Inc., Long Island City, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and used in wine making or destroyed, under the supervision of the Food and Drug Administration.

6323. Adulteration of frozen strawberries. U. S. v. 31 Barrels of Frozen Strawberries. Default decree of condemnation and destruction. (F. D. C. No. 11838. Sample No. 59448-F.)

LIBEL FILED: February 17, 1944, Western District of Michigan.

ALLEGED SHIPMENT: On or about October 20, 1943, by the Buffalo Cold Storage Co., from Black Rock, N. Y.

PRODUCT: 31 barrels, each containing 350 pounds, of frozen strawberries at Benton Harbor, Mich.

LABEL, IN PART: "National Dairy Prod. Corp. New York City Strawberries 3 Plus 1."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed strawberries.

DISPOSITION: February 29, 1944. The owner of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS FRUIT PRODUCTS

6324. Adulteration of apple butter. U. S. v. 631 Cases of Apple Butter (and 1 other seizure action against apple butter). Decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 11154, 11200. Sample Nos. 50455-F to 50458-F, incl., 50460-F.)

LIBEL FILED: November 19 and 29, 1943, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: From on or about September 30 to October 6, 1943, by the National Fruit Products Co., Inc., from Glassboro, N. J.

PRODUCT: 3,172 cases, each containing 12 jars, of apple butter at Philadelphia, Pa.

LABEL IN PART: (Jars) "Kiltie Brand * * * Apple Butter Distributed by Alfred Lowry & Bro. Philadelphia, Pa.," "Tartan Apple Butter," or "Budget Brand * * * Apple Butter * * * Packed For Quaker City Grocery Co., Inc. Phila, Penna."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insects, insect fragments, and decomposed apples.

DISPOSITION: April 17, 1944. The cases having been consolidated, and the National Fruit Products Co., Inc., claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond to be used in the manufacture of industrial alcohol or animal feed, under the supervision of the Food and Drug Administration.

6325. Misbranding of apple butter. U. S. v. 400 Cases of Apple Butter. Default decree of condemnation and destruction. (F. D. C. No. 11944. Sample No. 47740-F.)

LIBEL FILED: March 2, 1944, Southern District of Iowa.

ALLEGED SHIPMENT: On or about December 29, 1943, by Fan C Foods, Inc., St. Louis, Mo.

PRODUCT: 400 cases, each containing 12 jars, of apple butter at Des Moines, Iowa.

LABEL, IN PART: (Jar) "Shady Dell * * * Apple Butter * * * Net Wt. 2 Lbs. 6 Ozs."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Net Wt. 2 Lbs. 6 Ozs.," on the label of the article, was false and misleading as applied to the article, which was short weight; Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; and Section 403 (g) (1), it purported to be and was represented as apple butter, a food for which a definition and standard of identity has been prescribed by regulations, but it failed to conform to the definition and standard since the soluble solids content was less than 43 percent.

DISPOSITION: April 14, 1944. No claimant having appeared, and only one case of the product having been seized, judgment of condemnation was entered and the product was ordered destroyed.

6326. Adulteration and misbranding of apple mixed fruit jelly. U. S. v. 39 Cases of Apple Mixed Fruit Jelly. Product ordered released under bond to be relabeled. (F. D. C. No. 10406. Sample No. 12628-F.)

LIBEL FILED: On or about August 25, 1943, District of Montana.

ALLEGED SHIPMENT: On or about July 12, 1943, by the Hunt Brothers Packing Co., Puyallup, Wash.

PRODUCT: 39 cases, each containing 24 1-pound jars, of apple mixed fruit jelly at Great Falls, Mont.

Analysis indicated that the article was insufficiently cooked, since the soluble solids content of the finished jelly was less than 65 percent. Analysis also indicated the presence of apple, currant, and loganberry in the product, and that it contained an artificial coloring.

LABEL, IN PART: (Jar) "Hunt's Supreme Quality Apple Mixed Fruit Jelly Artificially Colored * * * Packed by Hunt Brothers Packing Co. Main Office San Francisco, Calif."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), an artificially colored, jelly-like product containing less soluble solids than required by the standard for mixed fruit jelly had been substituted in whole or in part for mixed fruit jelly, which the article purported to be.

Misbranding, Section 402 (a), the statement "Apple Mixed Fruit Jelly," which appeared on the label, was false and misleading as applied to an article of food insufficiently concentrated, since the soluble solids content of the finished jelly was less than 65 percent; Section 403 (c), the article was an imitation of another food, fruit jelly, and the label failed to bear, in type of uniform size and prominence, the word "imitation," and, immediately thereafter, the name of the food imitated; Section 403 (g) (1), it purported to be fruit jelly, a food for which a definition and standard of identity has been prescribed by regulations promulgated pursuant to law, and it failed to conform to the definition and standard; and, Section 403 (i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: October 20, 1943. Hunt Brothers Packing Co., claimant, having admitted the allegations of the libel, the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6327. Adulteration of apricot paste. U. S. v. 30 Cartons of Apricot Paste. Consent decree of condemnation and destruction. (F. D. C. No. 10776. Sample No. 33499-F.)

LIBEL FILED: September 17, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about December 16, 1942, by Jack Gomperts & Co., Reedley, Calif.

PRODUCT: 30 80-pound cartons of apricot paste at New York, N. Y.

LABEL, IN PART: "California Apricot Paste."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and mites.

DISPOSITION: March 1, 1944. The consignee of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

6328. Adulteration of fig jam. U. S. v. 137 Cases of Fig Jam (and 2 other seizure actions against fig jam). Decree of condemnation. Product ordered released under bond to be used in wine or brandy making. (F. D. C. Nos. 11166 to 11168, incl. Sample Nos. 50471-F, 50472-F.)

LIBEL FILED: November 23, 1943, Eastern District of Pennsylvania.

ALLEGED SHIPMENTS: On or about September 29, 1943, by the Beckwith Fig Co. from Alameda, Calif.

PRODUCT: 415 cases, each containing 6 No. 10 jars, of fig. jam at Philadelphia, Pa. Examination showed that the product was fermented.

LABEL, IN PART: (Jars) "Tux brand Fancy Kadota Fig Jam * * * Distributed by George B. Vrooman, Inc. Philadelphia, Penna.," or "Parke's Brand * * * Fancy Kadota Fig Jam * * * L. H. Parke Company Distributors Philadelphia and Pittsburgh Penna."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 17, 1944. The cases having been consolidated and the Beckwith Fig Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be sold for use in wine or brandy making, under the supervision of the Food and Drug Administration.

6329. Adulteration of fig paste. U. S. v. 780 Cartons of Fig Paste (and 2 other seizure actions against fig paste). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 10688, 12336, 12337. Sample Nos. 33979-F, 70483-F, 70495-F, 70496-F.)

LIBELS FILED: On or about September 7, 1943, and May 16, 1944, Western District of New York and District of Oregon.

ALLEGED SHIPMENT: From on or about February 23 to December 30, 1943, by the Bonner Packing Co., from Fresno, Calif.

PRODUCT: Fig paste: 910 cartons at Portland, Oreg., and 780 cartons at Buffalo, N. Y., labeled as containing 80 pounds.

LABEL, IN PART: (Cartons) "Fine Grind Bonner Brand Adriatic Paste Figs," or "Blended White Fig Paste Packed by Cured Fruit Association of California San Francisco, Calif."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, cast skins, insect fragments, and larva fragments.

DISPOSITION: October 8, 1943, and August 4, 1944. The United Biscuit Co. of America having appeared as claimant for the lot at Buffalo, and the Bonner Packing Co. of Fresno, Calif., having appeared as claimant for the remaining lots, judgments of condemnation were entered and the product was ordered released under bond, the Buffalo lot to be reconditioned by segregating the good from the bad portion, and the Portland lots to be used for distillation, under the supervision of an employee designated by the Federal Security Administrator.

6330. Adulteration and misbranding of glacè fruit. U. S. v. Benjamin Weinberg and Giles Archie Vaccaro (Garden Fruit Glacè Co. and Fruit Specialties Co.) Pleas of guilty. Each defendant sentenced to 1 day in jail and \$100 on each of the 19 counts in the indictment. (F. D. C. No. 11384. Sample Nos. 3943-F, 8277-F, 8366-F, 8478-F, 23892-F, 40708-F, 40710-F, 46775-F, 46776-F, 47309-F, 50237-F, 52938-F, 59518-F, 62404-F to 62408-F, incl.)

INDICTMENT RETURNED: On March 31, 1944, in the Northern District of Illinois, against Benjamin Weinberg and Giles Archie Vaccaro, partners, trading as the Garden Fruit Glacè Co. and the Fruit Specialties Co., Chicago, Ill.

ALLEGED SHIPMENT: From on or about July 2 to December 15, 1943, from the State of Illinois into the States of Missouri, Minnesota, Wisconsin, Pennsylvania, Tennessee, Virginia, and Michigan.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

Misbranding (various portions), Section 403 (e) (1), the article was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), its label bore no statement of the quantity of the contents; Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient; and, Section 403 (k), the article contained artificial coloring and failed to bear labeling stating that fact.

DISPOSITION: September 13, 1944. Pleas of guilty having been entered, each defendant was sentenced to 1 day in jail and \$100 on each of the 19 counts in the indictment.

6331. Adulteration of glacè fruit. U. S. v. 4 Pails of Glacè Fruit (and 18 other seizure actions against glacè fruit). Default decrees of condemnation. One lot ordered delivered to a charitable institution, to be denatured for use as animal feed; remaining lots ordered destroyed. (F. D. C. Nos. 11527, 11532, 11549 to 11551, incl., 11558, 11559, 11583, 11617, 11621 to 11625, incl., 11628, 11692, 11697, 11698, 11733, 11760. Sample Nos. 3943-F, 8277-F, 8292-F, 8293-F, 8478-F, 23892-F, 40708-F, 40710-F to 40712-F, incl., 46775-F, 46776-F, 47309-F, 48152-F, 50237-F, 52938-F, 59434-F, 59518-F, 61083-F, 61084-F, 62404-F to 62408-F, incl., 62412-F, 62574-F, 67105-F).

LABELS FILED: Between December 29, 1943, and February 9, 1944, District of Minnesota, District of Nebraska, Eastern and Western Districts of Wisconsin, Eastern District of Michigan, Western District of Kentucky, Western District of Tennessee, Middle and Western Districts of Pennsylvania, Western District of Texas, Eastern and Western Districts of Missouri, Eastern District of Virginia, Northern District of Iowa.

ALLEGED SHIPMENT: From on or about October 31, 1942, to December 17, 1943, by the Garden Fruit Glacè Co., Inc., Chicago, Ill.; with the exception of two pails which were shipped by the T. F. Naughtin Co., from Omaha, Nebr., on or about October 20, 1943.

PRODUCTS Glacé fruit: 4 pails at Flint, Mich., 18 pails at Milwaukee, Wis., 7 pails at Lansing, Mich., 2 pails at Wilkes-Barre, Pa., 3 pails at Rochester, Minn., 3 pails at Kansas City, Mo., 4 pails at Sioux City, Iowa, 9 pails at Richmond, Va., each pail containing 40 pounds; 4 40-pound pails and 40 pounds at Minneapolis, Minn.; 130 40-pound pails and 9 cartons, each containing 4 10-pound jars, at St. Louis, Mo.; 10 boxes, each containing 10 pounds, at Omaha, Nebr.; 2 500-pound barrels at Louisville, Ky.; 3 40-pound tubs at Memphis, Tenn.; 3 40-pound tubs at Braddock, Pa.; 1 75-pound barrel and 57 40-pound pails at San Antonio, Tex.; and 2 56-pound pails at Stevens Point, Wis.

Investigation disclosed that the product had been manufactured from garbage.

LABEL, IN PART: (Various portions of the article) "Garden Brand Glace Fruits Fancy Mixture [or "Supreme Mixture," "Special Mixture," "Superior Mixture," or "Tutti Fruitti"]," (boxes) "Lemon Halves," (one pail of Minneapolis lot) "La Pedes Food Prod. * * * Minneapolis, Minn."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following types of filth: Egg shell fragments, larvae, insect fragments, insects, sand, rust fragments, wood fragments and splinters, coffee grounds, portion of onion skin, citrus seeds, fragments of coal, fragment of sand, carbonaceous and woody particles, cat hair, fragments resembling rodent hair, a piece of brown paper, rodent hairs, meat fragments, and cinders. Further adulteration charged against all but two of the lots, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: Between January 28 and April 13, 1944. No claimant having appeared, judgments of condemnation were entered. The lots at St. Louis were ordered denatured and sold for purposes other than human consumption, the lot at San Antonio was ordered delivered to a charitable institution to be denatured for use as animal feed, and the remaining lots were ordered destroyed. No purchaser having been found for the lots at St. Louis, amended decrees were entered on May 1 and 4, 1944, ordering the product destroyed.

6332. Adulteration of pineapple filling. U. S. v. 2 Pails of Pineapple. Default decree of condemnation and destruction. (F. D. C. No. 11468. Sample No. 20049-F.)

LIBEL FILED: December 20, 1943, District of Maine.

ALLEGED SHIPMENT: On or about October 11, 1943, by the Natural Products Co., from Boston, Mass.

PRODUCT: 2 pails, each containing approximately 30 pounds, of pineapple at Portland, Maine.

LABEL, IN PART: "Natural Fruit Pineapple."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED VEGETABLES

6333. Adulteration of canned corn. U. S. v. 80 Cases of Canned Corn. Default decree of condemnation and destruction. (F. D. C. No. 11298. Sample No. 26394-F.)

LIBEL FILED: December 10, 1943, Western District of Louisiana.

ALLEGED SHIPMENT: On or about February 20, 1943, by the Pardeeville Canning Co., Pardeeville, Wis.

PRODUCT: 80 cases, each containing 6 No. 10 cans, of corn at Shreveport, La.

LABEL, IN PART: (Cans) "Kitchen Queen Brand Whole Kernel Golden Sweet Corn."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by use of the product for hog feed.

6334. Adulteration of canned corn. U. S. v. 244 Cases of Canned Corn. Default decree of condemnation and destruction. (F. D. C. No. 11596. Sample No. 58046-F.)

LIBEL FILED: January 8, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about November 11, 1943, by the Eddington Canning Co., from Springville, Utah.

PRODUCT: 244 cases, each containing 24 1-pound, 4-ounce cans, of corn at Denver, Colo.

LABEL, IN PART: (Cans) "Eddington's Utah Trail Golden Bantam Golden Sweet Cream Style Corn."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance, corn ear worm fragments and miscellaneous insect fragments.

DISPOSITION: March 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6335. Misbranding of canned eggplant appetizer. U. S. v. 300 Cases of Egg Plant Appetizer. Decree ordering product released under bond to be relabeled. (F. D. C. No. 10938. Sample No. 13985-F.)

LIBEL FILED: October 13, 1943, Southern District of California.

ALLEGED SHIPMENT: On or about July 30, 1943, by the Uddo & Taormina Co., from Crystal Springs, Miss.

PRODUCT: 300 cases, each containing 48 cans, of eggplant appetizer at Los Angeles, Calif.

LABEL, IN PART: (Can) "Progresso Net Contents 9 Ozs. Avoir. Egg plant Appetizer * * * Caponata"

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Net Contents 9 Ozs. Avoir." was false and misleading as applied to an article that was short weight; and, Section 403 (e) (2), it was in package form and the label failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: November 1, 1943. The Uddo & Taormina Co. having appeared as claimant, judgment was entered ordering that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

6336. Adulteration of canned green beans. U. S. v. 85 Cases of Canned Green Beans. Default decree of condemnation. Product ordered delivered to a welfare organization, for use as hog feed. (F. D. C. No. 11172. Sample No. 7158-F.)

LIBEL FILED: On or about December 2, 1943, Western District of Missouri.

ALLEGED SHIPMENT: On or about August 3, 1943, by the Bentonville Canning Co., from Bentonville, Ark.

PRODUCT: 85 cases, each containing 6 No. 10 cans, of green beans at Jefferson City, Mo.

LABEL, IN PART: (Cans) "Mayflower Cut Green Beans * * * Distributed by Marshall Canning Co. Marshalltown, Iowa."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization, for use as hog feed.

6337. Adulteration of canned green beans. U. S. v. 600 Cases of Canned Green Beans. Default decree of condemnation. Product ordered delivered to a welfare organization, to be used as hog feed. (F. D. C. No. 10865. Sample No. 43348-F.)

LIBEL FILED: On or about October 12, 1943, Western District of Missouri.

ALLEGED SHIPMENT: On or about July 22, 1943, by the Hargis Canneries, Inc., from Fayetteville, Ark.

PRODUCT: 600 cases, each containing 24 cans, of cut green beans at Kansas City, Mo.

LABEL, IN PART: "Hargis Brand Cut Green Beans."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization, to be used as hog feed.

6338. Misbranding of canned green beans. U. S. v. 452 Cases of Green Beans. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11644. Sample No. 65310-F.)

LIBEL FILED: January 14, 1944, District of Idaho.

ALLEGED SHIPMENT: On or about September 21, 1943, by the Northwest Packing Co., from Portland, Oreg.

PRODUCT: 452 cases, each containing 24 cans, of green beans at Boise, Idaho.

LABEL, IN PART: (Cans) "Mt. Hood Short Cut Green Beans" [vignette of a dish containing middle cuts of green beans].

VIOLATION CHARGED: Misbranding, Section 403 (a), the vignette of a dish containing middle cuts of green beans and the term "Short Cut Beans," appearing in the labeling, were misleading as applied to a product which consisted mainly of tip ends and scraps of string beans.

DISPOSITION: February 9, 1944. The Northwest Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

6339. Adulteration of canned peas. U. S. v. 568 Cases and 746 Cases of Canned Peas (and 1 other seizure action against canned peas). Decrees of condemnation. Portion ordered delivered to a welfare organization, for use as hog feed; remainder ordered destroyed. (F. D. C. Nos. 11226, 11602, 11603. Sample Nos. 43701-F, 43702-F, 66422-F, 66423-F.)

LIBELS FILED: On or about December 8, 1943, to February 18, 1944, District of Kansas and Western District of Missouri.

ALLEGED SHIPMENT: On or about October 20 and 25, 1943, by the River View Canning Corp., Markesan, Wis.

PRODUCT: Peas: 1,994 cases at Kansas City, Mo., 568 cases at Wichita, Kans., and 746 cases at Arkansas City, Kans., each case containing 24 cans.

Examination showed that the peas had an abnormal odor resembling that of stale sewage. Inspectional evidence disclosed that, beginning with July 8, 1943, the water supply used by the River View Canning Corporation was polluted from the contamination of the well water with sewage from a defective sewage system. This polluted water was used in preparing the brine in which the peas were subsequently packed.

LABEL, IN PART: (Portions, cans) "Pan Tree Early June Peas * * * Distributed By The Ranney-Davis Mercantile Co.," "Mother Goose Brand Early June Peas * * * The H. D. Lee Mercantile Co. Distributors Kansas City, Mo., Salina, Kas.," or "Wiscos Brand Early June Peas * * * Packed By Fall River Canning Co. Fall River, Wis."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance and was otherwise unfit for food; and Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: January 11, 1944. No claimant having appeared for the Kansas City lot, judgment of condemnation was entered and the product was ordered delivered to a welfare organization, for use as hog feed. On March 13, 1944, the consignee of the remaining lots having admitted that the lots were adulterated as alleged in the libel, judgments of condemnation were entered and the peas were ordered destroyed.

6340. Adulteration and misbranding of canned peas. U. S. v. 329 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11783. Sample No. 58817-F.)

LIBEL FILED: February 10, 1944, District of Maryland.

ALLEGED SHIPMENT: On or about January 21, 1944, from Norfolk, Va. This was a shipment returned to the original shipper.

PRODUCT: 329 cases, each containing 100 6-ounce cans, of peas at Baltimore, Md.

LABEL, IN PART: (Cans) "Primo Brand Moyens Peas Prepared from Dried Peas Packed By J. Langrall & Bro., Inc. Baltimore, Md."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (h) (1), the article was a smooth skin variety of peas, and its quality fell below the standard prescribed by the regulations for such peas because of alcohol-insoluble solids in excess of 23.5 percent, and its label did not bear the substandard legend, as required by the regulations.

DISPOSITION: March 8, 1944. J. Langrall & Bro., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law. The unfit portion of the product was subsequently destroyed, and the remainder was relabeled.

6341. Misbranding of canned peas. U. S. v. 803 Cases of Canned Peas. Product ordered released under bond to be relabeled. (F. D. C. No. 11788. Sample Nos. 57945-F, 57954-F.)

LIBEL FILED: February 11, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about August 14, 1943, by the Rocky Mountain Packing Corporation, from Murray, Utah.

PRODUCT: 803 cases, each containing 6 No. 10 cans, of peas at Denver, Colo.

LABEL, IN PART: (Cans) "Naturipe Brand Sugar Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the article purported to be and was represented as a food for which a standard of quality has been prescribed by regulations promulgated pursuant to law, and its quality fell below the standard since less than 90 percent by count of the peas in the container of the article were crushed by a weight of not more than 907.2 grams (2 pounds), and its label failed to bear, as required by regulations, a statement that it fell below the standard.

DISPOSITION: March 25, 1944. The Rocky Mountain Packing Corporation, claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

6342. Misbranding of canned peas. U. S. v. 798 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11248. Sample No. 46698-F.)

LIBEL FILED: December 7, 1943, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about August 4, 1943, by the Fox Valley Canning Co., Hortonville, Wis.

PRODUCT: 798 cases, each containing 24 unlabeled cans, of peas at Detroit, Mich.

There was no written agreement between the shipper and the consignee as to the labeling of the product. The shipment was invoiced as substandard peas.

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (1), the product was a food in package form and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; Section 403 (g) (2), it purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the food specified in the definition and standard; and, Section 403 (h) (1), it was a smooth skin variety of peas, and its quality fell below the standard prescribed by the regulations for such peas because of alcohol-insoluble solids in excess of 23.5 percent, and its label did not bear the substandard legend.

DISPOSITION: January 27, 1944. Philip N. Shammas, doing business as the S. & G. Wholesale Grocery Company, Detroit, Mich., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6343 Misbranding of canned peas. U. S. v. 902 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11452. Sample Nos. 46697-F.)

LIBEL FILED: December 20, 1943, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about August 6, 1943, by the River View Canning Corp., Markesan, Wis.

PRODUCT: 902 cases at Detroit, Mich., each containing 24 unlabeled cans of peas.

There was no written agreement between the shipper and consignee as to the labeling. The product was invoiced as standard grade peas.

VIOLATIONS CHARGED: Misbranding, Section 403 (e)* (1) (2), the product was food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (g) (2), it purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as the regulations require, the name of the food specified in the definition and standard; and, Section 403 (h) (1), it was a smooth skin variety of peas and its quality fell below the standard prescribed by the regulations for such peas because of alcohol-insoluble solids in excess of 23.5 percent, and its label did not bear the substandard legend, as required by the regulations.

DISPOSITION: January 27, 1944. Philip N. Shammass, doing business as the S. & G. Wholesale Grocery Co., Detroit, Mich., and the River View Canning Corp., claimants, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6344. Misbranding of canned peas. U. S. v. 25 Cases and 15 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 10919. Sample Nos. 46369-F, 46370-F.)

LIBEL FILED: October 21, 1943, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about July 26, 1943, by the Eastern Shore Canning Co., Machipongo, Va.

PRODUCT: 40 cases, each containing 24 cans, of peas at Goldsboro, N. C.

LABEL, IN PART: (Can) "Escco Brand Sweet Peas * * * Grade C," and "Eastern Shore Brand Sifted Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was a sweet, wrinkled variety of peas, and its quality fell below the standard prescribed in the regulations for such peas because the lot of 25 cases had alcohol-insoluble solids in excess of 21.0 percent and, in both lots, less than 90 percent by count of the peas in the container of the article were crushed by a weight of not more than 907.2 grams (2 pounds), and the label did not bear the substandard legend.

DISPOSITION: February 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution for consumption by the inmates.

6345. Misbranding of canned peas. U. S. v. 61 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a State institution. (F. D. C. No. 10389. Sample No. 46347-F.)

LIBEL FILED: August 24, 1943, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about June 30, 1943, by D. E. Foote & Co., Inc., Baltimore, Md.

PRODUCT: 61 cases, each containing 24 cans, of peas at Goldsboro, N. C.

Examination showed that the product was slack-filled because of excessive headspace, and that it was also substandard in quality.

LABEL, IN PART: (Can) "Foote's Best Pod Run Early June Peas."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), the article was a smooth skin variety of peas, and its quality fell below the standard prescribed by the regulations for such peas because of alcohol-insoluble solids in excess of 23.5 percent, and since the skins of more than 25 percent by count of the peas in the container were ruptured to a width of $\frac{1}{16}$ inch or more; and, Section 403 (h) (2), the article fell below the standard of fill of container prescribed by regulations for canned peas; and the label did not bear the required substandard legend.

DISPOSITION: February 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered for the use of a State institution.

6346. Misbranding of canned peas. U. S. v. 1,984 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11249. Sample No. 46696-F.)

LIBEL FILED: December 7, 1943, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about August 10, 1943, by the Saukville Canning Co., Saukville, Wis.

PRODUCT: 1,984 cases, each containing 24 unlabeled cans, of peas at Detroit, Mich.

There was no written agreement between the shipper and the consignee as to the labeling of the product. The shipment was invoiced as substandard peas.

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (1), the product was a food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; Section 403 (g) (2), it purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the food specified in the definition and standard; and Section 403 (h) (1), it was a smooth skin variety of peas and its quality fell below the standard prescribed by the regulations for such peas because of alcohol-insoluble solids in excess of 23.5 percent, and its label did not bear the substandard legend.

DISPOSITION: January 27, 1944. Philip N. Shammass, doing business as the S. & G. Wholesale Grocery Co., Detroit, Mich., having appeared as claimant and admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6347. Misbranding of canned peas. U. S. v. 2,499 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 10846. Sample No. 53166-F.)

LIBEL FILED: On or about October 4, 1943, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about August 11, 1943, by W. C. Powell & Co., Inc., from Norfolk, Va.

PRODUCT: 2,499 cases, each containing 24 cans, of peas at Durham, N. C.

LABEL, IN PART: (Cans) "Gibbs * * * Sifted Early June Peas Packed by Gibbs & Co., Inc., Baltimore, Md."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was a smooth skin variety of peas, and its quality fell below the standard prescribed by the regulations for such peas because of alcohol-insoluble solids in excess of 23.5 percent, and the skins of more than 25 percent by count of the peas in the container were ruptured to a width of $\frac{1}{16}$ inch or more; and its label did not bear the substandard legend, as required by the regulations.

DISPOSITION: February 2, 1944. Gibbs & Co., Inc., claimant, having admitted that the article fell below the standard prescribed by the regulations, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

6348. Misbranding of canned peas. U. S. v. 100 Cases of Canned Peas (and 3 other seizure actions against canned peas). Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 11436, 11439, 11513, 11573. Sample Nos. 58525-F, 58526-F, 58529-F, 58530-F.)

LIBEL FILED: Between December 16, 1943, and January 4, 1944, District of Columbia.

ALLEGED SHIPMENT: From on or about June 16 to September 20, 1943, by A. W. Feeser & Co., Inc., from Silver Run and Taneytown, Md.

PRODUCT: 1,920 cases, each containing 24 cans, of peas at Washington, D. C.

LABEL, IN PART: (Cans) "Mabro * * * Early June Peas Distributed by Mazo Bros. Co. Washington D. C.," or "Keymar Brand Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard because of the high alcohol-insoluble solids content of all the lots. In addition, two lots were below standard because of the high percentage of ruptured peas in the containers.

DISPOSITION: January 14, 1944. The cases having been consolidated, and A. W. Feeser & Co., Inc., Westminster, Md., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6349. Adulteration of canned spinach. U. S. v. 384 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 11069. Sample Nos. 40838-F, 41248-F, 41249-F.)

LIBEL FILED: On or about November 13, 1944, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about August 10, 1943, by the Okeena Canning Co., from Dyersburg, Tenn.

PRODUCT: 384 cases, each containing 6 No. 10 cans, of spinach at Gulfport, Miss.

Examination showed that the product consisted in part of a sour, decomposed product, contaminated with viable micro-organisms, and that it was undergoing active spoilage.

LABEL, IN PART: (Cans) "Okeena Club Spinach."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: March 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRIED VEGETABLES

6350. Adulteration of dried red peppers. U. S. v. 49 Bags of Dried Red Peppers. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11887. Sample No. 41439-F.)

LIBEL FILED: March 16, 1944, Southern District of Texas.

ALLEGED SHIPMENT: On or about October 26, 1943, from Los Angeles, Calif.

PRODUCT: 49 bags, each containing 200 pounds, of dried red peppers at Houston, Tex., in possession of the Quick Service Warehouse & Cold Storage Co.

The article had been stored under insanitary conditions after shipment. The bags were rodent-gnawed and bore rodent excreta. Examination showed that the article was rodent-gnawed and contaminated with rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 31, 1944. C. B. Gentry, Los Angeles, Calif., claimant, having admitted the adulteration of the product, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. The unfit portion was subsequently destroyed.

6351. Adulteration of dried mushrooms and misbranding of Solo-Cup. U. S. v. Sokol & Co. Plea of guilty. Fine, \$200. (F. D. C. No. 10587. Sample Nos. 15142-F, 37885-F, 44206-F, 44207-F.)

INFORMATION FILED: On December 30, 1943, in the Northern District of Illinois, against Sokol & Co., a corporation, Chicago, Ill.

ALLEGED SHIPMENT: From the State of Illinois into the States of California and New York, within the period from on or about October 9, 1942, to April 29, 1943, of a quantity of dried mushrooms, and into the State of Indiana, on or about March 12, 1943, of a quantity of Solo-Cup.

LABEL, IN PART: "Shield Brand Dried Mushroom," "Solo Fancy Dried Mushroom," "Solo-Cup * * * A Refreshing Beverage Prepared Same As Coffee Made From Roasted Cereals Figs and Vegetables * * * Solo Products Co., Chicago."

VIOLATIONS CHARGED: Adulteration, dried mushrooms, Section 402 (a) (3), they consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following types of filth: Maggots, rodent hair, larvae, insects, insect fragments, rodent hair fragments, and larvae fragments.

Misbranding, Solo-Cup, Section 403 (a), the statement "Figs," on the package label, was false and misleading since the article did not contain figs; the state-

ments on the package, "Prepared Same as Coffee * * * Will take the Place of Coffee * * * Many heavy coffee drinkers have found Solo-Cup a very satisfactory beverage. Solo-Cup is made from selected cereals, figs and vegetables, expertly roasted to retain their natural nourishing and wholesome elements," were false and misleading, since they represented and suggested that the article, when prepared the same as coffee, would take the place of coffee and would be a satisfactory substitute for coffee for heavy coffee drinkers, whereas the article, when prepared the same as coffee, would not take the place of coffee and would not be a satisfactory substitute for coffee for heavy coffee drinkers; and, Section 403 (i) (2), the product was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient, since the label declared figs, which were not present, and it failed to declare cocoa shells and chicory, which were present; and it did not set forth the specific names of the cereals and vegetables contained in the product.

DISPOSITION: January 25, 1944. A plea of guilty having been entered by the defendant, a fine of \$50 was imposed on each of the 4 counts, a total of \$200.

6352. Adulteration of dried mushrooms. U. S. v. 25 Cases of Dried Mushrooms (and 4 other seizure actions against mushrooms). Default decrees of condemnation and destruction. (F. D. C. Nos. 10408, 10464, 11453, 11494, 13199. Sample Nos. 13951-F, 13960-F, 65223-F, 65241-F, 74125-F.)

LIBELS FILED: August 13 and 25, 1943, Northern District of California; December 18 and 23, 1943, District of Montana; August 7, 1944, Southern District of California.

ALLEGED SHIPMENT: From on or about July 13, 1943, to July 1, 1944, by Sokol & Co., from Chicago, Ill.

PRODUCT: Dried mushrooms: 25 cases, each containing 12 cards of 12 envelopes each, and 25 cases, each containing 12 cards of 22 envelopes each, at Lafayette, Calif.; 14 cases, each containing 12 cards of 12 envelopes each, at Butte, Mont.; and 75 cards, each containing 12 bags, at Los Angeles, Calif.

LABEL, IN PART: "Shield Brand Fancy Dried Mushrooms Solo Products Co. Chicago."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of maggots, insect fragments, rodent hairs, insects, and larvae.

DISPOSITION: January 20 and 27, July 8, and August 31, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6353. Adulteration of dried mushrooms. U. S. v. 4 Cartons of Dried Mushrooms. Default decree of condemnation and destruction. (F. D. C. No. 10812. Sample No. 39760-F.)

LIBEL FILED: September 25, 1943, District of Arizona.

ALLEGED SHIPMENT: On or about August 18, 1943, by the Walter Products Co., Chicago, Ill.

PRODUCT: 4 cartons, each containing 36 cards with 12 packages of dried mushrooms to each card, at Phoenix, Ariz.

LABEL, IN PART: (Card) "Walter's Finest Quality."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae and pupae, insect fragments, beetle mites, maggots, and rodent hairs.

DISPOSITION: February 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6354. Adulteration of dried mushrooms. U. S. v. 72 Bags of Dried Mushrooms. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11236. Sample No. 39522-F.)

LIBEL FILED: December 6, 1943, Southern District of California.

ALLEGED SHIPMENT: On or about October 27, 1943, by Meyer & Lange, from New York, N. Y.

PRODUCT: 72 66-pound bags of dried mushrooms at Los Angeles, Calif.

LABEL IN PART: "Callampas Secas Prod De Chile."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, pupae, insect fragments, and rodent hair fragments.

DISPOSITION: March 16, 1944. Harry A. Wagner, trading as the Aggressive Sales Co., Los Angeles, Calif., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, under the supervision of the Food and Drug Administration.

FRESH VEGETABLES

6355. Misbranding of onions. U. S. v. 500 Sacks of Onions. Consent decree of condemnation. Product ordered released, under bond or upon deposit of cash collateral, to be resacked. (F. D. C. No. 10996. Sample No. 57903-F.)

LIBEL FILED: October 22, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about October 11, 1943, by Ady & Milburn, Inc., from Crowley, Colo.

PRODUCT: 500 50-pound sacks of onions at New York, N. Y.

LABEL IN PART: (Sack) "A & M 50 lbs. Net Onions."

VIOLATIONS CHARGED: Misbranding, Section 403(a), the statement on the label, "50 Lbs. Net," was false and misleading as applied to an article that was short weight; and, Section 403(e) (2), the article was in package form and its label failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: November 1, 1943. Harry Finerman & Co. having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond or upon deposit of cash collateral, conditioned that the sacks be filled to declared weight under the supervision of the Food and Drug Administration.

6356. Misbranding of onions. U. S. v. 800 Sacks of Onions. Consent decree of condemnation. Product ordered released under bond to be resacked. (F. D. C. No. 10997. Sample No. 57912-F.)

LIBEL FILED: October 22, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about October 12, 1943, by the Justman-Frankenthal Co., from Crowley, Colo.

PRODUCT: 800 sacks of onions at New York, N. Y.

LABEL, IN PART: "Scoop Brand 50 Lbs. Onions."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement appearing on the label, "50 Lbs." was false and misleading as applied to an article which was short weight; Section 403 (e) (2), the article was in package form and the label failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: November 6, 1943. The claimants, Joseph Justman and Hyman Frankenthal, trading as the Justman-Frankenthal Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be resacked to the declared weight, under the supervision of the Food and Drug Administration.

TOMATOES AND TOMATO PRODUCTS

6357. Misbranding of canned tomatoes. U. S. v. 474 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10899. Sample No. 47238-F.)

LIBEL FILED: October 8, 1943, Western District of Tennessee.

ALLEGED SHIPMENT: On or about June 30, 1943, by the Christensen Products Corporation, Weslaco, Tex.

PRODUCT: 474 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Memphis, Tenn.

LABEL, IN PART: (Can) "Red Crest Tomatoes."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the article purported to be a food for which a standard of quality has been prescribed by regulations, but it contained excessive peel, the drained weight was too low, and the color was not of the strength and redness required by the standard; and it did not bear the required substandard legend.

DISPOSITION: December 31, 1943. The Christensen Products Corporation having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

6358. Adulteration of tomato catsup. U. S. v. 191 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 11323. Sample No. 48760-F.)

LIBEL FILED: December 17, 1943, Western District of Kentucky.

ALLEGED SHIPMENT: On or about October 16, 1943, by the Vincennes Packing Corp., Washington, Ind.

PRODUCT: 191 cases, each containing 24 bottles, of tomato catsup at Louisville, Ky.

LABEL, IN PART: (Bottles) "Kroger's Country Club Quality Brand Tomato Catsup Distributed By The Kroger Grocery & Baking Co. General Offices Cincinnati Ohio."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 14, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6359. Adulteration of tomato catsup. U. S. v. 400 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 11674. Sample No. 63055-F.)

LIBEL FILED: January 28, 1944, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about September 21, 1942, by the Morgan Packing Co., from Terre Haute, Ind.

PRODUCT: 400 cases, each containing 6 No. 10 cans, of tomato catsup at Mattoon, Ill.

LABEL, IN PART: (Cans) "Farmers Pride Brand Tomato Catsup Hulman & Co. Terre Haute, Ind.—Mattoon, Ill.—Evansville Ind."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article was unfit for human consumption since it consisted in whole or in part of decomposed tomato material, commonly known as tomato rot.

DISPOSITION: February 26, 1944. No claimant having appeared, judgment of condemnation was entered and product was ordered destroyed.

6360. Adulteration of tomato paste. U. S. v. 160 Cases and 196 Cases of Tomato Paste. Decrees of condemnation and destruction. (F. D. C. Nos. 11899, 12058. Sample Nos. 66043-F, 66060-F.)

LIBELS FILED: February 26 and March 23, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about December 27, 1943, and January 10, 1944, by Flotill Products, Inc., from Modesto and Stockton, Calif.

PRODUCT: 356 cases, each containing 100 cans, of tomato paste at Brooklyn, N. Y.

LABEL, IN PART: (Cans) "Flotta Brand Fancy Tomato Paste."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worm and insect fragments.

DISPOSITION: April 3 and June 29, 1944. No claimant having appeared for one lot, and the claimant for the other lot having consented to the entry of a decree, judgments of condemnation were entered and the product was ordered destroyed.

6361. Adulteration of tomato puree. U. S. v. 99 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 11848. Sample No. 62621-F.)

LIBEL FILED: February 17, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 2, 1943, by Hoosier Tomato Products, Inc., from Bargersville, Ind.

PRODUCT: 99 cases, each containing 24 No. 2 cans, of tomato puree, at St. Louis, Mo.

LABEL, IN PART: (Cans) "Puree of Sweet Home Tomatoes * * * Krenning-Schlapp Grocer Co. St. Louis, Mo. Distributors."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6362. Adulteration and misbranding of tomato puree. U. S. v. 81 Cases of Tomato Puree (and 4 other seizure actions against tomato puree). Decrees of condemnation, 1 decree containing provision for release under bond of the product involved. (F. D. C. Nos. 11611, 11829, 11849, 11850, 11921, 11922. Sample Nos. 51718-F, 60401-F, 60402-F, 65613-F, 65617-F, 65618-F, 66170-F, 66171-F.)

LIBELS FILED: Between January 27 and March 2, 1944, Western District of Washington, District of Massachusetts, District of Connecticut, Northern District of New York.

ALLEGED SHIPMENT: From on or about December 11, 1943, to January 5, 1944, by the A. M. Beebe Co., Inc., Alameda, Salinas, and San Francisco, Calif.

PRODUCT: Tomato puree: 257 cases at Seattle, Wash., 125 cases at New Haven, Conn., 22 cases at Utica, N. Y., 80 cases at Schenectady, N. Y., and 1,450 cartons at Boston, Mass., each containing 6 No. 10 cans.

LABEL, IN PART: (Cans) "Red Sail Tomato Puree Contents 6 Lbs. 8 Oz. Frank Raiter Canning Co., Salinas, Calif. Sales Office G. R. Barth Co. San Francisco, Calif.," or "Net Contents 6 Lbs. 8 Oz. Calirose Brand Tomato Puree."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3) (all lots), the article consisted in whole or in part of a decomposed substance.

Misbranding (Seattle, New Haven, Utica, and Schenectady lots), Section 403 (a), the statement "Net Contents 6 Lbs. 8 Oz." was false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 2, 1944. The Musolino LoConte Co., Boston, Mass., claimant for the Boston lot, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. Between February 21 and May 16, 1944, no claimant having appeared for the remaining lots, judgments of condemnation were entered and it was ordered that the New Haven lots be disposed of by distribution of the fit portion to charitable institutions and the unfit portion to a correctional institution, for use other than human consumption, and that the other lots be destroyed.

6363. Adulteration of tomato soup. U. S. v. 1,366 Cases of Tomato Soup. Default decree of condemnation and destruction. (F. D. C. No. 11042. Sample No. 48220-F.)

LIBEL FILED: November 9, 1943, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 9, 1943, by the H. J. McGrath Co., Baltimore, Md.

PRODUCT: 1,366 cases, each containing 24 cans, of tomato soup at Cleveland, Ohio.

LABEL, IN PART: "Milan Brand Condensed Tomato Soup * * * Distributed by The Wm. Edwards Co. Cleveland, Ohio."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy tomato material, as evidenced by rot fragments and excessive mold count.

DISPOSITION: February 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MEAT AND POULTRY

6364. Adulteration of frozen, dressed rabbits. U. S. v. 275 Crates of Frozen Dressed Rabbits. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11691. Sample No. 66017-F.)

LIBEL FILED: On or about January 31, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about January 10, 1944, by the Trainin Produce Co., from Lindsborg, Kans.

PRODUCT: 275 crates of frozen, dressed rabbits, weighing a total of approximately 21,550 pounds, at Jersey City, N. J.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 31, 1944. The Trainin Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction or denaturing of the unfit portion, under the supervision of Food and Drug Administration.

6365. Adulteration of dressed poultry. U. S. v. 1 Box and 17 Boxes of Dressed Poultry. Default decrees of condemnation and destruction. F. D. C. Nos. 11474, 11610. Sample Nos. 46537-F, 46538-F.)

LIBELS FILED: December 4 and 10, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: October 14 and November 18, 1943, by Stork Brothers, from New Ulm, Minn.

PRODUCT: 18 boxes of dressed poultry at Chicago, Ill.

VIOLATIONS CHARGED: Adulteration (17 boxes), Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; Section 402 (a) (5), it consisted in whole or in part of birds which had died otherwise than by slaughter; and (1 box), Section 402 (a) (5), it was in whole or in part the product of a diseased animal or of an animal which had died otherwise than by slaughter.

DISPOSITION: February 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6366. Adulteration of dressed poultry. U. S. v. 1 Barrel and 3 Boxes of Dressed Poultry. Consent decree of condemnation. Product ordered released under bond to be regraded. (F. D. C. No. 11717. Sample No. 46548-F.)

LIBEL FILED: December 28, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: December 13, 1943, by W. P. Stork, from Tyler, Minn.

PRODUCT: 1 barrel and 3 boxes of dressed poultry at Chicago, Ill.

LABEL, IN PART: "Third Grade * * * Karsten & Sons * * * Chicago Ill Distributors."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; Section 402 (a) (5), it was in whole or in part the product of a diseased animal or of an animal which had died otherwise than by slaughter.

DISPOSITION: February 1, 1944. Karsten & Sons, claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be regraded under the supervision of the Food and Drug Administration. The unfit portion was subsequently denatured.

NUTS AND NUT PRODUCTS

6367. Adulteration of shelled almonds. U. S. v. 25 Boxes of Almonds (and 1 other seizure action against almonds). Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 11540, 11610. Sample Nos. 48267-F, 48270-F, 48271-F.)

LIBELS FILED: January 10 and 28, 1944, Southern District of New York and Northern District of Ohio.

ALLEGED SHIPMENT: On or about December 6 and 7, 1943, by the American Pistachio Corporation from Philadelphia, Pa., and New York, N. Y., to Cleveland Ohio; one lot reshipped to New York on or about January 11, 1944.

PRODUCT: Shelled almonds: 25 boxes at Cleveland, Ohio, and 50 boxes at New York, N. Y., each box labeled as containing 28 pounds.

LABEL, IN PART: (Boxes) "Jordan Almonds Dog Brand," "Jordan Almonds * * * Ferdinand Schwarzmänn, S. A. Malaga Spain," or "Schwarzmänn Condor Valencia Almonds * * * Condor Brand."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested and insect-damaged almonds.

DISPOSITION: April 22, 1944. The action pending in the Northern District of Ohio having been removed to the Southern District of New York and consolidated with the action originating in the latter district, and the American Pistachio Corporation, claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

6368. Adulteration of shelled almonds. U. S. v. 27 Boxes of Valencia Almonds (and 3 other seizure actions against shelled almonds). Consent decrees of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. Nos. 11479, 11663, 11853, 11955. Sample Nos. 49016-F, 49017-F, 49197-F, 49306-F, 67411-F.)

LIBEL FILED: Between December 29, 1943, and March 4, 1944, Northern and Southern Districts of Ohio.

ALLEGED SHIPMENT: During the period from on or about October 14, 1943, to February 7, 1944, by T. M. Duche & Sons, Inc., New York, N. Y.

PRODUCT: 50 boxes of almonds at Cleveland, Ohio, and 16 boxes at Columbus, Ohio, each box labeled as containing "28 Lbs."

LABEL, IN PART: "Valencia Almonds * * * Dagger Brand," "Bull Brand * * * Valencia Almonds," or "Dagger Brand * * * Jordan Almonds."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy or decomposed substance by reason of the presence of one or more of the following: Webbing, insect excreta, worm-eaten and insect-infested almonds, and decomposed and rancid almonds.

DISPOSITION: Between January 19 and March 22, 1944. Roberto Bros., Inc., Cleveland, Ohio, claimant for one lot at Cleveland, and T. M. Duche & Sons Inc., claimant for the remainder, having admitted the facts in the respective libels, judgments of condemnation were entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

6369. Adulteration of Brazil nuts. U. S. v. 13 Bags of Brazil Nuts. Default decree of condemnation and destruction. (F. D. C. No. 11232. Sample No. 49130-F.)

LIBEL FILED: December 3, 1943, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 12, 1942, by the Wm. A. Camp Co., Inc., New York, N. Y.

PRODUCT: 13 100-pound bags of Brazil nuts at Cincinnati, Ohio.

Examination disclosed the presence of moldy, rancid, and decomposed nuts.

LABEL, IN PART: "Tropical Beauties New Crop Large Brazils."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6370. Adulteration of shelled filberts. U. S. v. 8 Bags of Shelled Filberts. Default decree of condemnation. Product ordered denatured and sold. (F. D. C. No. 11517. Sample No. 62547-F.)

LIBEL FILED: December 27, 1943, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 8, 1943, by the Braun Importing Co., Inc., from Philadelphia, Pa.

PRODUCT: 8 bags, each containing about 218 pounds, of shelled filberts at St. Louis, Mo.

LABEL, IN PART: "Bico New York Shelled Filberts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, cocoons, insect excreta, pupae, webbing, and insect fragments.

DISPOSITION: January 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered denatured, under the supervision of the Food and Drug Administration, and sold under such conditions as would insure its disposition in compliance with the law. It was utilized as hog feed.

6371. Adulteration of peanuts. U. S. v. 45 Cartons and 45 Cartons of Peanuts. Decree of condemnation. Product ordered destroyed. (F. D. C. No. 10507. Sample Nos. 43446-F, 43447-F.)

LIBEL FILED: On or about September 23, 1943, District of Kansas.

ALLEGED SHIPMENT: On or about July 9, 1943, by the Novelty Peanut Co., from Dallas, Tex.

PRODUCT: 45 cartons, each containing 16 cellophane envelopes, of peanuts, and 45 cartons, each containing 16 waxed paper bags, of peanuts, at Emporia, Kans.

LABEL, IN PART: (Envelopes) "Believe It or Not Peanuts"; (bags) "Mammy's Peanuts Barbecued."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of larvae, insect fragments, insect excreta, mouse excreta, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 18, 1943. The consignee having admitted the adulteration as alleged in the libel, judgment of condemnation was entered and the product was ordered destroyed.

6372. Adulteration of shelled peanuts. U. S. v. 8 Bags and 5 Bags of Peanuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11802. Sample Nos. 48935-F, 48936-F.)

LIBEL FILED: February 15, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about December 13, 1943, from Suffolk, Va.

PRODUCT: Peanuts: 8 bags, each containing approximately 114 pounds, and 5 bags, each containing approximately 110 pounds, at Toledo, Ohio, in possession of the Bassett Nut Co.

The peanuts were stored under insanitary conditions after shipment. The bags were rodent-gnawed and two rodent nests were found in one portion. Examination of samples showed that the product was contaminated with rodent excreta and urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 14, 1944. Sam Bassett, doing business as the Bassett Nut Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was subsequently cleaned in order to eliminate the unfit material.

6373. Adulteration of shelled peanuts. U. S. v. 261 Bags of Shelled Peanuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11736. Sample No. 30398-F.)

LIBEL FILED: February 1, 1944, Northern District of California.
from Suffolk, Va.

ALLEGED SHIPMENT: On or about January 29, 1943, by the Suffolk Peanut Co.,

PRODUCT: 261 bags, each containing 125 pounds, of shelled peanuts at San Francisco, Calif.

LABEL, IN PART: "Extra Large Virginia Supeco Brand Shelled Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms, webbing, and insect excreta.

DISPOSITION: February 17, 1944. The L. Demartini Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was subsequently segregated and destroyed.

6374. Adulteration of shelled peanuts. U. S. v. 112 Bags of Shelled Peanuts. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 11655. Sample No. 30037-F.)

LIBEL FILED: January 18, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about December 14, 1943, by the Greenwood Products Co., from Marianna, Fla.

PRODUCT: 112 unlabeled bags, each containing approximately 100 pounds, of shelled peanuts, at Tacoma, Wash.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live insects and larvae.

DISPOSITION: February 10, 1944. John D. Hamilton having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law. The unfit portion was subsequently segregated and denatured.

6375. Adulteration of peanuts. U. S. v. 207 Bags of Peanuts. Consent decree of condemnation. Product ordered released under bond for use as hog feed. (F. D. C. No. 11046. Sample No. 48993-F.)

LIBEL FILED: November 1, 1943, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 20, 1943, by B. I. Anderson, Fitzgerald, Ga.

PRODUCT: 207 bags of peanuts at Dayton, Ohio, each bag containing approximately 100 pounds.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live and dead insects, insect webbing, and excreta.

DISPOSITION: February 4, 1944. The Wm. S. Scull Co., Dayton, Ohio, claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be used as hog feed, under the supervision of the Food and Drug Administration.

6376. Adulteration of shelled runner peanuts. U. S. v. 304 Bags of Shelled Runner Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11074. Sample No. 48996-F.)

LIBEL FILED: November 9, 1943, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 5, 1943, by the Peterman Peanut Co., Peterman, Ala.

PRODUCT: 304 unlabeled bags, each containing approximately 125 pounds, of shelled runner peanuts at Dayton, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested peanuts.

DISPOSITION: March 8, 1944. The Wm. S. Scull Co., Dayton, Ohio, claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

6377. Adulteration of shelled peanuts. U. S. v. 86 Bags of Shelled Peanuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12005. Sample No. 51024-F.)

LIBEL FILED: March 13, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 12, 1944, by the Hines Peanut Co., from Boykins, Va.

PRODUCT: 86 bags, each containing about 110 pounds, of shelled peanuts at Philadelphia, Pa.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirty-faced peanuts.

DISPOSITION: March 28, 1944. The Wilmar Manufacturing Co., Philadelphia, Pa., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured under the supervision of the Food and Drug Administration.

6378. Adulteration and misbranding of peanuts, shelled cashew nuts, shelled mixed nuts, and shelled pecans. U. S. v. 28 Cases of Peanuts (and 2 other seizure actions involving peanuts, cashew nuts, mixed nuts, and pecans). Default decrees of condemnation. One lot ordered destroyed; remaining lots ordered sold for reprocessing into inedible fats and oils. (F. D. C. Nos. 11592, 11723, 11734. Sample Nos. 8049-F, 8290-F, 8291-F, 40631-F, 40720-F.)

LIBELS FILED: Between January 10 and 31, 1944, Northern District of Iowa and District of Minnesota.

ALLEGED SHIPMENT: From on or about November 10, 1943, to January 3, 1944, by the Very Fine Packing Co., from Beaver Dam, Wis.

PRODUCT: Peanuts: 28 cases at Minneapolis, Minn., 85 cases at Dubuque, Iowa, and 100 cases at Sioux City, Iowa, each case containing 24 jars.

Cashew nuts, mixed nuts, or pecans: 28 cases at Sioux City, Iowa, each case containing 24 jars.

LABEL, IN PART: (Jars) "‘House of Quality’ Very Fine Quality Confectionery * * * Net Wt. When Packed ½ Oz. or Over."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (4), a substance, mineral oil, having no food value, had been added to the articles or mixed or packed therewith so as to reduce their quality or strength; and, Section 402 (d), they were labeled "Confectionery" and contained a non-nutritive substance, mineral oil.

Misbranding, Section 403 (a), the statement, "Net Wt. When Packed ½ Oz. or Over," which appeared on the label in almost illegible type, was false and misleading as applied to the articles, the average weight of which was, in the case of the peanuts, from 6.34 ounces to 6.74 ounces and, in the case of the cashew nuts, mixed nuts, and pecans, from 1.93 ounces to 2.69 ounces; Section 403 (e) (2), the articles were in package form and their labels failed to bear prominently an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label of each article failed to bear the common or usual name of the food.

DISPOSITION: Between February 29 and March 3, 1944, no claimants having appeared, judgments of condemnation were entered. The Minneapolis lot was ordered destroyed. The other two lots were ordered sold, conditioned that they be reprocessed into inedible fats and oils. No bids having been received for the Sioux City lot, it was destroyed. The Dubuque lot was sold to a rendering plant, the glass jars having been sold to a packing company.

6379. Adulteration of peanut butter. U. S. v. Rainer Packing Co. Plea of guilty. Fine, \$50. (F. D. C. No. 9695. Sample No. 32655-F.)

INFORMATION FILED: On February 18, 1944, in the Middle District of Alabama, against the Rainer Packing Co., a corporation of Montgomery, Ala.

ALLEGED SHIPMENT: From on or about January 12 to 14, 1943, from the State of Alabama into the State of Tennessee.

LABEL, IN PART: (Jar) "Brownee Peanut Butter * * * Brownee Company * * * Montgomery, Alabama."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of detached rat or mouse hair fragments, and rat or mouse excreta fragments with hair attached; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 24, 1944. The defendant having entered a plea of guilty, the court imposed a fine of \$50.

6380 Adulteration and misbranding of peanut butter. U. S. v. 65 Cases of Peanut Butter (and 2 other seizure actions against peanut butter). Decrees of condemnation. One lot ordered released under bond to be re-labeled; one lot ordered delivered to the United States Army; and the remaining lot ordered delivered to a Federal institution, for use as animal feed. (F. D. C. Nos. 10435, 10960, 11756. Sample Nos. 6862-F, 35744-F, 48708-F, 48709-F.)

LIBELS FILED: Between August 18, 1943, and February 7, 1944, Middle District of Tennessee, Western District of South Carolina, Eastern District of Illinois.

ALLEGED SHIPMENT: From on or about July 18 to December 23, 1943, by the Dillon Candy Co., Inc., Jacksonville, Fla.

PRODUCT: Peanut butter: 149 cases, each containing 24 1-pound jars, and 98 cases, each containing 24 12-ounce jars, at Pulaski, Tenn.; 65 cases, each con-

taining 12 2-pound jars, at Greenville, S. C.; and 247 cases, each containing 24 6-ounce jars, at East St. Louis, Ill.

LABEL, IN PART: (Jars) "Armour's Star Peanut Butter * * * 6 Oz. Avoir. Net [or "2 Lbs. Net"] Armour and Company Distributors * * * Chicago, Ill.," or "Fresh Maid Peanut Butter Net 1 Lb. [or "Net 12 Oz.]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), (lot at Greenville) the product consisted in whole or in part of a filthy substance by reason of the presence of dirt.

Misbranding (remaining lots), Section 403 (a), the statements which appeared on the labels (149 cases) "Net 1 Lb.," (98 cases) "Net 12 Oz.," and (247 cases) "6 Oz. Avoir. Net," were false and misleading as applied to the articles, which were short-weight; and, Section 403 (e) (2), the article was in package form and its label failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: December 14, 1943. The Dillon Candy Co., Inc., claimant for the Pulaski lots, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under Government supervision. No claimant having appeared for the remaining lots, judgments of condemnation were entered on March 21 and April 24, 1944, and the Greenville lot was ordered shipped to a Federal penitentiary, to be used as animal feed, and the East St. Louis lot was ordered delivered to the United States Army.

6381. Adulteration and misbranding of Choc-O-P'Nut But'r Spread. U. S. v. 25 Cases of Choc-O-P'Nut But'r Spread. Default decree of condemnation. Product ordered delivered to a local institution. (F. D. C. No. 10917. Sample No. 39493-F.)

LIBEL FILED: October 18, 1943, District of Arizona.

ALLEGED SHIPMENT: On or about August 27, 1943, by Elizabeth Moté, Hollywood, Calif.

PRODUCT: 25 cases, each containing 24 14½-ounce jars, of Choc-O-P'Nut But'r Spread, at Hollbrock, Ariz.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture consisting of peanuts, sugar, water, corn sirup, dextrose, cocoa or chocolate, and salt had been substituted for "Chocolate Flavored Peanut Butter," which the article purported to be.

Misbranding, Section 403 (a), the prominent designation, "Choc-O-P'Nut But'r Chocolate Flavored Peanut Butter Spread," which appeared on the labeling, was false and misleading as applied to the article, since it implied that the product was peanut butter flavored with chocolate; Section 403 (b), it was offered for sale under the name of another food, "Choc-O-P'Nut But'r Chocolate Flavored Peanut Butter Spread," which should consist only of chocolate-flavored peanut butter; and, Section 403 (f), the ingredient statement required by law to appear on the label, was not prominently placed thereon (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase, since it appeared in small print on a side panel.

DISPOSITION: March 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local institution.

6382. Misbranding of peanut butter. U. S. v. 24 Cases and 36 Cases of Peanut Butter. Consent decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 11666, 11667. Sample Nos. 49018-F, 49176-F, 49177-F.)

LIBELS FILED: January 18 and 19, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 11 and 22, 1943, by Food Specialties, Inc., Indianapolis, Ind.

PRODUCT: Peanut butter: 24 cases, each containing 24 1-pound jars, at Cincinnati, Ohio; 15 cases, each containing 24 1-pound jars; and 21 cases, each containing 24 9-ounce jars, at Dayton, Ohio.

LABEL, IN PART: (Jar) "Ambassador Net Wt. 1 Lb. [or "9 Ozs."] Peant Butter."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements which appeared in the labeling, "Net Wt. 1 Lb.," or "Net Wt. 9 Ozs.," were false and misleading as applied to the article, which was short-weight; and, Section 403 (e) (2), it was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: February 8, 1944. Food Specialties, Inc., having admitted the facts in the libels, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6383. Adulteration of pecan halves. U. S. 294 Cases and 325 Cases of Pecan Halves. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11741. Sample Nos. 23899-F, 51008-F.)

LIBEL FILED: February 2, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 24 and 30, 1942, from St. Louis, Mo.

PRODUCT: 619 60-pound cases of pecan halves at Philadelphia, Pa., in possession of the Philadelphia Warehouse & Cold Storage Co.

The article was stored under insanitary conditions after shipment. Live mice were seen around the lots of pecans. Some cases had been gnawed, and the nuts were spilled. Rodent excreta and urine stains were found on the cases. Examination of samples showed that the product contained rodent hairs.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: February 10, 1944. The Breyer Ice Cream Co., Millerstown, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed or denatured under the supervision of the Food and Drug Administration. The unfit portion was subsequently destroyed.

6384. Adulteration of unshelled pecans. U. S. v. 155 Bags of Unshelled Pecans. Default decree of condemnation. Portion ordered delivered to the Food and Drug Administration; remainder ordered destroyed. (F. D. C. No. 11293. Sample No. 25686-F.)

LIBEL FILED: December 10, 1943, Northern District of Alabama.

ALLEGED SHIPMENT: On or about November 4, 1943, by E. M. Boyles, from Thomaston, Ga.

PRODUCT: 155 bags, each containing 50 pounds, of unshelled pecans at Birmingham, Ala.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance and was otherwise unfit for food by reason of the presence of rancid, shriveled, wormy, moldy, and decomposed pecans.

DISPOSITION: February 14, 1944. No claimant having appeared, judgment of condemnation was entered and three bags were ordered delivered to the Food and Drug Administration; the remainder was ordered destroyed.

OILS AND FATS

6385. Misbranding of edible oil. U. S. v. 7 Cases of Table Oil. Default decree of condemnation and destruction. (F. D. C. No. 11847. Sample No. 57967-F.)

LIBEL FILED: March 2, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about December 17, 1943, by the Chicago Macaroni Co., from Chicago, Ill.

PRODUCT: 7 cases, each containing 4 1-gallon jugs, of oil at Denver, Colo.

LABEL, IN PART: (Jugs) "Italy Brand Table Oil Blend * * * eighty per cent of vegetable oil and twenty per cent of pure olive oil."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the name "Italy Brand" and the statement "twenty per cent of pure olive oil," appearing on the labeling, were false and misleading as applied to the article, which consisted of corn oil and less than 20 per cent of olive oil; and, Section 403 (i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since "Vegetable Oil" is not the common or usual name of corn oil.

DISPOSITION: March 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6386. Misbranding of Cocoline Mineral Base Oil. U. S. v. 1 Drum of Cocoline Mineral Base Oil. Default decree of condemnation. Product ordered delivered for use in the maintenance of a Federal building. (F. D. C. No. 11681. Sample No. 49420-F.)

LIBEL FILED: January 21, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 21, 1943, by the Dairy and Ice Cream Supply Co., from Atlanta, Ga.

PRODUCT: 1 50-gallon drum of Cocoline Mineral Base Oil at Cincinnati, Ohio.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the name of the article, "Cocoline," was misleading since such name implied a food ingredient of either cocoa or coconut origin, and the label of the article failed to reveal the material fact that it consisted of nothing but mineral oil; Section 403 (b), it was offered for sale under the name of another food, "Cocoline," implying a food ingredient.

DISPOSITION: March 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the custodian of a Federal building, for use as lubricating and floor oil.

6387. Adulteration of salad dressing and French dressing. U. S. v. Michael C. Sogas and Nicholas C. Sogas (Sogas Brothers). Pleas of guilty. Each defendant fined \$15 and costs. (F. D. C. No. 10593. Sample Nos. 3724-F, 3725-F, 3727-F.)

INFORMATION FILED: On December 22, 1943, in the Western District of Missouri, against Michael C. Sogas and Nicholas C. Sogas, trading as Sogas Brothers, Kansas City, Mo.

ALLEGED SHIPMENT: From on or about April 7 to May 8, 1943, from the State of Missouri into the State of Kansas.

LABEL, IN PART: (Jars) "Wonder Whip Salad Dressing," or "Sogas Brothers Product French Dressing."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product containing non-nutritive substances, mineral oil and saccharin, had been substituted in whole or in part for salad dressing and French dressing, products which do not contain mineral oil and saccharin; and, Section 402 (b) (4), mineral oil and saccharin had been mixed or packed with the articles so as to reduce their quality and make them appear better or of greater value than they were.

DISPOSITION: April 10, 1944. Pleas of guilty having been entered, each defendant was fined \$5 on each of 3 counts, plus costs.

6388. Adulteration and misbranding of salad dressing. U. S. v. 12 Tubs and 13 Tubs of Salad Dressing. Default decree of condemnation. Product ordered distributed to charitable or public institutions, or destroyed. (F. D. C. No. 11129. Sample No. 43160-F.)

LIBEL FILED: December 18, 1943, District of Oregon.

ALLEGED SHIPMENT: On or about August 31, 1943, by E. J. Sheahan, from Seattle, Wash.

PRODUCT: 12 tubs, each containing 5 gallons, of unlabeled salad dressing, and 13 tubs, each containing 5 gallons, of labeled salad dressing at Portland, Oreg.

LABEL, IN PART: (13 tubs) "Green Garden Food Products * * * Seattle, Wash. * * * Salad Dressing Net Contents 1 Gallon." The remainder was unlabeled.

VIOLATIONS CHARGED: Adulteration (labeled tubs), Section 402 (b) (1), a valuable constituent, an edible food oil, had been in whole or in part omitted from the article; Section 402 (b) (2), an article containing a substantial amount of mineral oil, a non-nutritive substance, had been substituted for salad dressing, a product offered for general food use; and, Section 402 (b) (4), a substance, mineral oil, having no food value, had been added to the article or mixed or packed with it so as to reduce its quality or strength.

Misbranding (labeled tubs), Section 403 (a), the statement which appeared on the labeling, "Cottonseed Oil, Fresh Eggs, Sugar, Vinegar, Cornstarch and Spices. Color Added Salad Dressing," was false and misleading as applied to the article, which contained a substantial amount of mineral oil; Section 403 (b), the statement appearing in the labeling, "Net Contents 1 Gallon," was false and misleading since the tubs contained 5 gallons; and Section 403 (e)

(2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

Misbranding (unlabeled tubs), Section 403 (e) (1), the article was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; Section 403 (i) (1), its label failed to bear the common or usual name of the food; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

DISPOSITION: March 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered to be distributed to some charitable or public institution, or destroyed. The product was subsequently destroyed.

6389. Misbranding of salad dressing. U. S. v. 29 Cases of Salad Dressing. Default decree of condemnation. Product ordered delivered to local hospitals. (F. D. C. No. 11586. Sample No. 50161-F.)

LIBEL FILED: January 7, 1944, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about October 20 and December 7, 1943, by the Lec-Thompson-Fawcett Co., from Pittsburgh, Pa.

PRODUCT: 29 cases, each containing 12 jars, of salad dressing at Wheeling, W. Va.

LABEL, IN PART: (Jars) "Bell-View Salad Dressing * * * 27 Oz. Avd."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement on the label, "27 Oz. Avd.," was false and misleading as applied to the product since it was short weight; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: February 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to local hospitals, for use by the institutions and not for sale.

MISCELLANEOUS FOOD PRODUCTS

6390. Adulteration of Breakfast Puffs. U. S. v. Dietetic Food Co., Inc. Plea of guilty. Fine, \$500 (F. D. C. No. 11327. Sample No. 22790-F.)

INFORMATION FILED: On February 7, 1944, in the Eastern District of New York, against the Dietetic Food Co., Inc., Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about July 26, 1943, from the State of New York into the State of Pennsylvania.

LABEL, IN PART: "Dia-Mel Dietetic Breakfast Puffs."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 2, 1944. The defendant having entered a plea of guilty, a fine of \$500 was imposed.

6391. Adulteration of saccharic acid. U. S. v. 1 Keg of Saccharic Acid (and 3 other seizure actions against saccharic acid). Default decrees of condemnation and destruction. (F. D. C. Nos. 10383 to 10385, incl., 10413 to 10415, incl. Sample Nos. 11121-F to 11123-F, incl., 16067-F, 16068-F, 36428-F.)

LIBELS FILED: Between August 7 and 16, 1943, Northern District of California, District of Utah, and District of Colorado.

ALLEGED SHIPMENT: From on or about March 3 to May 28, 1943, by the Brouker Chemical Co., from Morganville, N. J.

PRODUCT: 28 550-pound barrels of saccharic acid at Oakland, Calif., 1 100-pound keg at Salt Lake City, Utah, 1 100-pound keg at Ogden, Utah, and one-half barrel at Denver, Colo.

The article was to be used as a component in foods.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the article contained added poisonous or deleterious substances, hydrocyanic acid and oxalic acid, which might have rendered it injurious to health.

DISPOSITION: Between February 11 and April 29, 1944. No claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6392. Misbranding of Butter Stretch. U. S. v. 17 Cases of Butter Stretch. Default decree of condemnation and destruction. (F. D. C. No. 11176. Sample No. 30262-F.)

LIBEL FILED: November 29, 1943, Northern District of California.

ALLEGED SHIPMENT: On or about April 7, 1943, by the American Nutrition Co., from Chicago, Ill.

PRODUCT: 17 cases, each containing a display banner and 12 cartons of 24 envelopes each, of Butter Stretch.

LABEL, IN PART: (Front of envelope) "4 Leaf Clover BUTTER S-T-R-E-T-C-H."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the following statements and designs appearing in the labeling of the article: (Display banner) "Butter 13¢ Lb. For the Extra Pound"; (front of envelope) "* * * BUTTER S-T-R-E-T-C-H Makes A Pound of Butter Go Twice As Far!," and the pictorial representation of two cubes of butter on plates, one cube twice as large as the other; (back of envelope) "* * * We recommend you make up only the amount of butter product needed * * * finished butter product * * *"; and (case label) "* * * BUTTER S-T-R-E-T-C-H Makes A Pound of Butter Go Twice As Far! * * * Now Make One Butter Coupon Do The Job Of Two!," and the pictorial representation of two cubes of butter on plates, one cube twice as large as the other, were false and misleading since the article would not stretch 1 pound of butter into 2 pounds of butter and would not make a pound of butter go twice as far. The following statements which appeared in the labeling of the article: (Envelope) "Makes A Pound of Butter Go Twice As Far! * * * Enough for 4 Pounds—10¢ * * * Ingredients. Gelatin, Rennet, Salt, Milk Sugar, Gum Karaya, Baking Soda and U. S. Certified Food Coloring * * *"; and (case label) "Makes A Pound of Butter Go TWICE AS FAR! * * * Enough for 4 Pounds—10¢ * * * Ingredients. Gelatin, Rennet, Salt, Milk Sugar, Gum Karaya, Baking Soda and U. S. Certified Food Coloring * * * One package of 4 Leaf Clover Butter Stretch is Enough for Four Pounds Only 10¢ * * *," were misleading since they failed to reveal the material fact that the article was 97 percent common table salt, sold in this form at the rate of approximately \$5.00 a pound: and the principal panel of the label, on which such statements appeared, failed to reveal the material fact that the purchaser must supply 1 pint of milk for each pound of butter treated with the article. Section 403 (e) (2), it was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents, since the statement "Contents: 8 tablets" did not give accurate information of the weight or size of the individual tablets.

DISPOSITION: March 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GIFT PACKAGES*

6393. Misbranding of gift packages. U. S. v. De Luxe Dainties, Inc. Plea of guilty. Fine of \$750 on 1 count; sentence suspended on remaining counts. (F. D. C. No. 9610. Sample Nos. 31905-F to 31908-F, incl., 32695-F.)

INFORMATION FILED: On May 13, 1943, in the Southern District of New York, against De Luxe Dainties, Inc., New York, N. Y.

ALLEGED SHIPMENT: On or about November 2 and 19, 1942, from the State of New York into the State of Ohio, of a number of gift packages.

PRODUCT: A portion of the gift packages contained candied fruit, and the remainder contained such articles as candy, preserves, jelly, nuts, and honey. The packages contained less food than was indicated by their outward appearance, and the name and address of the manufacturer did not appear on the packages.

LABEL, IN PART: (Portion) "Stuffed Glace Fruit."

VIOLATIONS CHARGED: Misbranding, Section 403 (d), the lot of candied fruit was misbranded in that the container, a tray, was so made, formed, and filled as

*See also Nos. 6237-6239.

to be misleading, since the capacity of the tray had been reduced by inserting a false bottom approximately 8/10 of an inch above the true bottom, and the food had been packed in such a manner that there was a large empty space underneath the pineapple centerpiece of the assortment. The remaining lots were misbranded, Section 403 (d), in that their containers were so made, formed, and filled as to be misleading, since they contained excessive amounts of packing medium, shredded paper, and the food had been packed in such a manner that there were empty spaces in which more food could have been packed; and, Section 403 (f), in that they were in package form and the name and place of business of the manufacturer, packer, or distributor were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: January 17, 1944. A plea of guilty having been entered on behalf of the defendant, imposition of sentence was suspended on counts 1, 2, 3 and 5, and the court imposed a fine of \$750 on the fourth count.

6394. Misbranding of gift packages. U. S. v. 125 Gift Baskets. Default decree of condemnation. Product ordered delivered to charitable organizations. (F. D. C. No. 11261. Sample No. 39515-F.)

LIBEL FILED: December 15, 1943, Southern District of California.

ALLEGED SHIPMENT: On or about August 20, 1943, by the Stephen Leeman Products Corp., from New York, N. Y.

PRODUCT: 125 gift baskets containing wine jellies and tea bags, at Long Beach, Calif.

This product consisted of a package of 2 nested, woven baskets containing 4 1½-ounce jars of jelly and 5 tea bags. The jelly jars were inverted, and a portion of the label containing the net weight and ingredients statement was invisible. The bottom of the package contained paper stuffing occupying about 43 percent of the volume of the package.

LABEL, IN PART: (Jelly jars) "Stephen Leeman Products Burgundy ["Sherry," "Port," or "Muscatel"] Wine Jelly."; (one tea bag) "Filled with Ming Cha The Tea Wine (A Flowery Orange Pekoe)."

VIOLATIONS CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading since about 43 percent of the volume of the package was occupied by paper stuffing which could not be seen by the purchaser; and, Section 403 (f), the statements of the quantity of the contents and the list of ingredients, required to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: January 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable organizations.

VITAMIN PREPARATIONS AND FOOD FOR SPECIAL DIETARY USES

6395. Adulteration and misbranding of mineralized water. U. S. v. 7 Bottles of Mineralized Water and 400 Leaflets. Default decree of condemnation. Product ordered destroyed or delivered to a charitable or public institution. (F. D. C. No. 10858. Sample No. 43018-F.)

LIBEL FILED: On or about November 15, 1943, District of Oregon.

ALLEGED SHIPMENT: On or about July 12, 1943, of the mineralized water, from Los Angeles, Calif.; and on or about May 18, 1943, from Monterey, Calif., of the leaflets, by the Del Monte Laboratories.

PRODUCT: 7 bottles of mineralized water and 400 leaflets at Portland, Oreg.

Examination of a sample of the article showed that it contained calcium and iron salts and 0.013 milligram of iodine per half-ounce. The minimum daily adult requirement for iodine, as established by regulation, is 0.1 milligram.

LABEL, IN PART: (Article) "Delamer Mineralized Water"; (leaflets) "Are you Wearing Out Because of a Lack of Minerals?"

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, iodine, had been in part omitted.

Misbranding, Section 403 (a), the statements, both on the bottle label and in the leaflets, "Delamer Mineralized Water is prepared under the strictest supervision and is formulated so that when taken according to directions ($\frac{1}{2}$ ounce daily) it provides the following mineral supplements: Mineral Factor * * * Iodine Proportion of Min. Daily Adult Requirements * * * 100%," were false and misleading as applied to an article of which one-half ounce would not provide 100 percent of the proportion of the minimum daily adult requirement for iodine. The statement in the leaflets which tended to create the impression that "Wearing Out" was evidence of a lack of minerals; that loss of vitality and pep and tiring easily were evidences of a lack of iron; that failure of children to attain normal growth was evidence of a lack of calcium; that lack of minerals was responsible for the poor physical condition of an amazing number of people; and that Delamer would prevent or correct these abnormalities, were false and misleading since the article would not prevent or correct them. Section 403 (j), the article purported to be and was represented for special dietary uses by reason of its mineral content, and its label failed to bear such information concerning its mineral properties as has been determined to be and by regulations prescribed as necessary in order fully to inform purchasers as to its value for such uses, since the label did not bear a correct statement of the proportion of the minimum daily adult requirement for iodine furnished by a specified quantity of the article when consumed during a period of 1 day.

DISPOSITION: February 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or delivered to a charitable or public institution.

6396. Adulteration and misbranding of Mont-O-Ad, Mont-O-Plex, and Mont-O-Cee Tablets. U. S. v. 569 Packages of Mont-O-Ad Tablets, 427 Packages of Mont-O-Plex Tablets, and 396 Packages of Mont-O-Cee Tablets. Consent decree of condemnation. Products ordered released under bond to be brought into compliance with the law. Amended decree ordering products destroyed. (F. D. C. No. 10857. Sample Nos. 36370-F to 36373-F, incl.)

LIBEL FILED: October 8, 1943, District of New Mexico.

ALLEGED SHIPMENT: From on or about November 7, 1942, to March 24, 1943, by the F. E. Bucklin Co., Los Angeles, Calif.

PRODUCT: 569 packages of Mont-O-Ad Tablets, 427 packages of Mont-O-Plex Tablets, and 396 packages of Mont-O-Cee Tablets, at Albuquerque, N. Mex.

Analysis of samples disclosed that each Mont-O-Ad Tablet contained not more than 230 U. S. P. units of vitamin A, 75 U. S. P. units of vitamin D, and 2.4 milligrams of iron; that each Mont-O-Plex tablet contained not more than 167 micrograms (gammas) of vitamin G (B_2) and 1.8 milligrams of iron; and that each Mont-O-Cee tablet contained not more than 20.4 milligrams of vitamin C and 1.6 milligrams of iron.

VIOLATIONS CHARGED: Mont-O-Ad Tablets, adulteration, Section 402 (b) (1), valuable constituents, vitamin A, vitamin D, and iron, had been in whole or in part omitted or abstracted from the article. Misbranding, Section 403 (a), the following statements which appeared upon the label, "Each tablet provides: Vitamin A 1500 I. U. Vitamin D 150 I. U. Iron 6.8 mg. * * * Three tablets provide the minimum daily adult requirements of vitamins A and D and twice those requirements of iron," were false and misleading as applied to the article, which contained less vitamin A, vitamin D, and iron than it was represented to contain.

Mont-O-Plex Tablets, adulteration, Section 402 (b) (1), valuable constituents, vitamin G and iron, had been in whole or in part omitted or abstracted from the article. Misbranding, Section 403 (a), the following statements appearing on the label, "Each Tablet Provides: * * * Vitamin G (B_2)— $\frac{2}{3}$ mg. (666 Gammas). * * * Iron—5 mg. * * * Three tablets provide the minimum daily adult requirements of vitamin G and iron," were false and misleading as applied to the article, which contained less vitamin G and iron than it was represented to contain.

Mont-O-Cee Tablets, adulteration, Section 402 (b) (1), valuable constituents, vitamin C and iron, had been in whole or in part omitted or abstracted from the article. Misbranding, Section 403 (a), the following statements

appearing upon the label, "Each Tablet Provides: * * * Vitamin C—29 mg. (500 I. U.) Iron—6.8 mg. * * * Three tablets daily provides 2½ times the minimum daily adult requirement of vitamin C and twice those requirements of iron," were false and misleading as applied to the article, which contained less vitamin C and iron than it was represented to contain.

DISPOSITION: October 29, 1943. The Montmorillonite Corporation, Albuquerque, N. Mex., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. On March 31, 1944, pursuant to agreement, an amended decree was entered, ordering the products destroyed.

6397. Misbranding of calcium pantothenate tablets. U. S. v. 15 Bottles of Calcium Pantothenate Tablets. Default decree of condemnation and destruction. (F. D. C. No. 9832. Sample No. 12487-F.)

LIBEL FILED: April 26, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about February 25, 1943, by Alberty Food Products, from Hollywood, Calif.

PRODUCT: 7 unlabeled bottles, each containing 360 tablets, 1 bottle labeled as containing 360 tablets, and 7 labeled bottles, each containing 60 tablets, of calcium pantothenate, at Seattle, Wash.

The original consignment consisted of 48 bottles, each containing 360 tablets, which were unlabeled when shipped; 1 bottle had been relabeled, and 7 small bottles had been filled from the larger bottles and labeled.

LABEL, IN PART: (Labeled bottles) "Simmons Lift-2-Life Calcium Pantothenate * * * 10 mg. (10,000 Micrograms) each of Calcium Pantothenate per tablet."

VIOLATIONS CHARGED: Misbranded when introduced into interstate commerce. Section 403 (i) (1), the article failed to bear a label containing the common or usual name of the food; Section 403 (e) (1), it was a food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; and, Section 403 (j), it purported to be a food for special dietary use by reason of its vitamin content, the vitamin known as calcium pantothenate, and it failed to bear a label containing such information concerning its vitamin properties as has been determined to be and by regulations prescribed as necessary in order fully to inform purchasers as to its value for such uses, since it failed to bear a label stating the quantity of calcium pantothenate furnished by a specified quantity of the product when consumed as directed during a period of 1 day, and that the need for calcium pantothenate in human nutrition has not been established.

DISPOSITION: November 8, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6398. Misbranding of Nix Hair Vita. U. S. v. 12 Dozen Bottles of Gray Hair Vitamin. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 9783. Sample No. 10237-F.)

LIBEL FILED: April 9, 1943, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about March 27, 1943, by the Nix Cosmetics Co., from Memphis, Tenn.

PRODUCT: 6 dozen bottles, each containing 90 tablets, and 6 dozen bottles, each containing 30 tablets, of Gray Hair Vitamin at New Orleans, La.

The article contained approximately 10 milligrams of calcium pantothenate per tablet.

LABEL, IN PART: "Nix Hair Vita Anti 'Gray Hair Vitamin' Each Tablet 10 MG Calcium Pantothenate."

VIOLATION CHARGED: Misbranding. Section 403 (a), the statements appearing on the label, "Nix Hair Vita Anti 'Gray Hair Vitamin' * * * Investigations indicate may be of value in restoring color of hair by supplying dietary deficiency. Color starts coming through roots," were false and misleading as the use of the article would not result in restoring the natural color of hair to persons having gray hair.

DISPOSITION: July 7, 1943. The Nix Cosmetics Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6399. Misbranding of Post's Cera-Co. U. S. v. 47 Cases of Post's Cera-Co. Default decree of condemnation and destruction. (F. D. C. No. 10468. Sample No. 42562-F.)

LIBEL FILED: August 28, 1943, Eastern District of Washington.

ALLEGED SHIPMENT: On or about May 10, 1943, by the O. B. Gufler Co., from Portland, Oreg.

PRODUCT: 47 cases, each containing 36 1-pound bags, of Post's Cera-Co at Walla Walla, Wash. Each bag contained a small circular entitled "How To Enjoy Cera-Co."

LABEL, IN PART: "Post's Cera-Co A Blend of High Grade Coffee Extract, Rye, Wheat and Chicory * * * Manufactured For and Distributed By Post Quality Foods Co. San Francisco-Los Angeles, California."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement on the bag, "A Blend of High Grade Coffee Extract, Rye, Wheat and Chicory," was misleading as applied to the article, which was a mixture of rye, wheat, and chicory, containing little or no coffee extract; the statement in an accompanying circular, "To make Coffee go farther," was misleading as applied to an article having none of the characteristic properties of coffee; the statements in the circular, "The combined use of Vitamins B-1 and Niacin is extremely beneficial to persons troubled with pellagra, allergies, nervousness, nutritional deficiency, sclerosis, diabetes, general weakness, poor appetite, gastric and intestinal disturbances, decreased peristalsis and poor lactation * * * thus greatly benefits your health and vitality," were misleading since the product would not be of value in the treatment of such conditions; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content, and its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirements for such vitamins supplied by the food when consumed in a specified quantity during a period of 1 day.

DISPOSITION: December 9, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6400. Misbranding of vegetable tablets. U. S. v. 140 Packages of Vegetable Tablets. Default decree of condemnation and destruction. (F. D. C. No. 10457. Sample No. 787-F.)

LIBEL FILED: August 24, 1943, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about March 16, 1943, by Patten Concentrates, Inc., Burbank, Calif.

PRODUCT: 140 packages, each containing 500 vegetable tablets, at Battle Creek, Mich.

This article was in the form of tablets composed essentially of dried vegetable tissue, including kelp.

LABEL, IN PART: "Health House Brand Vegetable Tablets Supplies Essential Minerals from Eleven Vegetables."

VIOLATIONS CHARGED: Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its mineral content, and its label failed to bear such information concerning its mineral properties as has been determined to be and by regulations prescribed as necessary in order fully to inform purchasers as to its value for such uses, since its label did not bear a statement of the minerals contained therein, nor the proportions of the minimum daily requirements for each mineral supplied by such food; and, Section 403 (a), the words "Vegetable Tablets," "powdered vegetables," and "minerals from eleven vegetables," which appeared on the label, were false and misleading as applied to an article containing non-vegetable kelp.

DISPOSITION: September 17, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

6401-6600

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., March 23, 1945.

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BEVERAGES AND BEVERAGE MATERIALS*

6401. Adulteration and misbranding of cocoa beverage powder. U. S. v. 5 Cases of Cocoa Beverage Powder. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 11873. Sample No. 66179-F.)

LABEL FILED: On or about February 23, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about December 3, 1943, by the Manhattan Coffee & Sugar Co. from Brooklyn, N. Y.

PRODUCT: 5 cases, each containing 10 cartons of 50 envelopes each, of cocoa beverage powder at New Haven, Conn.

LABEL, IN PART: (Envelopes) "Mrs. Brooks Brand—A Sweet Milk Chocolate and Cocoa Preparation for Hot Chocolate"; (cases) "Mrs Brooks Hot Chocolate."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, chocolate, had been in whole or in part omitted from the article; and, Section 402 (b) (2), a mixture consisting essentially of sucrose, cocoa, and dried skim milk had been substituted for a sweet milk chocolate and cocoa preparation for hot chocolate, which the article was represented to be.

Misbranding, Section 403 (a), the statements on the labeling, "Hot Chocolate," and "A Sweet Milk Chocolate and Cocoa Preparation for Hot Chocolate"
* * * A choice blend of high-grade Cocoas, Chocolate, Skimmed Milk Powder, Sugar and Flavoring," were false and misleading as applied to a mixture consisting essentially of sucrose, cocoa, and dried skim milk, and containing no chocolate.

*See also Nos. 6584, 6585, 6587, 6590, and 6595.

DISPOSITION: May 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to local charitable institutions after removal of the labels.

6402. Adulteration of green coffee. U. S. v. 420 Bags and 268 Bags of Green Coffee. Decrees of condemnation. Product ordered released under bond. (F. D. C. No. 11792. Sample Nos. 41519-F to 41521-F, incl.)

LIBEL FILED: February 12, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: From the city of Parangua and the city of Santos, Republic of Brazil; arrived at New Orleans, La., on or about August 2 and October 17, 1943.

PRODUCT: 688 bags of green coffee at New Orleans, La., in possession of the Standard Warehouse Co.

The coffee was stored under insanitary conditions after shipment. The bags had been cut by rodents, and rodent excreta and urine strains were found on them. Examination of samples showed that the product contained rodent excreta, rodent hairs, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 9 and 15, 1944. The David G. Evans Coffee Co., St. Louis, Mo., claimant for one lot, and Westfeldt Bros., New Orleans, La., claimant for the remaining lot, having admitted the allegations of the respective libels, judgments of condemnation were entered and the product was ordered released under bond to be cleaned and reconditioned under the supervision of the Food and Drug Administration. All filth was eliminated and the product was thoroughly cleaned.

6403. Misbranding of roasted malted barley (coffee substitute). U. S. v. 650 Bags of Roasted Malted Cereal, and 100 Cases of Malted Beverage Cereal. Tried to the court. Judgment for the Government. Decree of condemnation entered and the product ordered released under bond to be used in making animal feed. (F. D. C. No. 10031. Sample Nos. 3356-F, 3357-F, 43402-F.)

LIBEL FILED: June 7, 1943; amended libel filed, October 1, 1943, Western District of Missouri.

ALLEGED SHIPMENT: March 12 and 22, and April 7, 1943, by the Froedtert Grain & Malting Co., Inc., Milwaukee, Wis.

PRODUCT: 650 100-pound bags of roasted malted cereal and 100 cases, each containing 24 1-pound cartons, of malted beverage cereal at Kansas City, Mo.

LABEL, IN PART: "Froemco Roasted Malted Cereal."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement, "A Coffee Substitute," on the label, was false and misleading since the article was not a coffee substitute in that it had no stimulating ingredient such as caffeine, nor did it have the taste of coffee; and, Section 402 (i) (1), the label failed to bear the common or usual name of the product, roasted malted barley.

DISPOSITION: The Froedtert Grain & Malting Co., Inc., and the Klopff Sales Co., Kansas City, Mo., having filed exceptions to the libel on December 2, 1943, the court overruled the exceptions and handed down the following memorandum opinion:

REEVES, *District Judge*: "It is contended by the intervenors that the amended libel fails to state a cause of action for the forfeiture of either one of the articles mentioned therein and moreover that the amended libel lacks definiteness and fullness in the respect that the misbranding asserted is not set out with particularity. In addition to the above, one of the intervenors charged that the libel did not assert it had moved one of the articles complained against in interstate commerce.

"The amended libel charges the violation of subsection (a) Section 343, Title 21 U. S. C. A. and subdivision (1) of subsection (i) of said section. Subsection (a) provides in substance that 'a food shall be deemed to be misbranded (a) if its labeling is false or misleading in any particular.' Subdivision (1) of subsection (i) of said section provides as follows with respect to the label, 'if it is not subject to the provisions of paragraph (g) of this section unless its label bears (1) the common or usual name of the food, if any there be.'

"It is charged in the libel that 650 bags, more or less, of 'Froemco Roasted Malted Cereal' and 100 cases, more or less, 'Brazilian Style MO-JV A Malted Beverage Cereal' not only moved in interstate commerce but were misbranded by reason of a designation that they were a coffee substitute. It is stated in the libel that in truth and in fact such products were malted, roasted, ground barley.

"1. The amended libel is commendably brief in compliance with procedural rules. It contains a direct charge that both articles enumerated were falsely branded and that such branding was misleading: The 650 bags were marked 'Froemco Roasted Malted Cereal.' There was no designation as to the kind of cereal. The 100 cases were designated as 'Brazilian Style MO-JV A Malted Beverage Cereal.'

"It will be noted from this that such product was designated as a cereal product. Nevertheless it contained a label that it was a 'coffee substitute.' It is well known that no cereal can be utilized to produce a coffee substitute. A substitute according to the weight of authorities must contain qualities akin to that of the article for which substituted. According to Webster's Dictionary, a substitute as used in this case would mean a 'thing put in place of another.' Cereal coffee is not a substitute for genuine coffee.

"In the case of *E. C. Hazard & Co. v. United States*, 164 Fed. 907, the district court for the Southern District of New York followed the opinion of one of the general appraisers with respect to a tax on an alleged coffee substitute. In that case the liquid extract had actually been taken from the coffee bean. It was contended by the owner that it was a coffee substitute. Both the board of appraisers and the court held that it was not.

"In the case of *Ex parte Hunnicutt*, 123 Pac. 179, 1. c. 185, 7 Okla. Cr. 213. the court held that an alleged substitute for malt liquor could not be considered as a substitute unless it contained a forbidden quantum of alcohol 'measured by volume.'

"A substitute should possess some of the qualities of the article for which it is substituted. The article may have been branded a coffee cereal but not a coffee substitute. The statute required that the label shall disclose the common or usual name of the food.

"The intervenors did not comply with this statutory requirement where it referred to the product as a 'malted beverage cereal.' There are many cereals from which such products may be made. It would have been a simple matter for the intervenors to have designated these products as malted and roasted ground barley, as alleged in the libel.

"2. The intervenors are familiar with the libelled product; they know the nature of the product and how it has been branded. The government should not be called upon to make a fuller or more particular statement of facts with which both sides are entirely familiar. The labels are both false and misleading. It would follow that the libel should be sustained.

"3. One of the intervenors pointed out in its exception that it did not cause the alleged offending articles to be moved in interstate commerce. The proceeding is against the articles themselves, which is a proper procedure, and the libel contains an appropriate averment that the products were in fact moved in interstate commerce. This was sufficient.

"In view of the above, the exceptions to the libel are overruled and the intervenors will be allowed 20 days to plead further."

An answer having been filed denying that the labeling was false and misleading in any respect or that it did not contain the common or usual name of the product, the court, on February 3, 1944, handed down findings of fact and conclusions of law to the effect that the statement in the label which represented that the product was a coffee substitute would mislead prospective purchasers into believing that the product had a stimulating ingredient such as caffeine and had the taste of coffee; and that the statement designating the product as a coffee substitute was false and misleading as the product was not useful as a coffee substitute; and that roasted malted cereal was not a common or usual name of roasted malted barley. The court concluded that the article was misbranded since it was not a coffee substitute and the label failed to describe the product by its common or usual name.

On February 4, 1944, judgment of condemnation was entered, and on February 14, 1944, the Klopff Sales Co., having appeared as claimant, the product was ordered released under bond to be used in making animal feed under the supervision of the Food and Drug Administration.

6404. Misbranding of fountain sirups. U. S. v. 6 Jars and 11 Jars of Vanilla Syrup and 12 Jars of Orangeade Syrup. Default decree of condemnation and destruction. (F. D. C. No. 11889. Sample Nos. 51807-F to 51809-F, incl.)

LIBEL FILED: February 24, 1944, District of Maine.

ALLEGED SHIPMENT: On or about October 13, 1943, by the Tumarkin Brothers, from Roxbury, Mass.

PRODUCT: 17 1-gallon jars of vanilla sirup and 12 1-gallon jars of orangeade sirup at Portland, Maine.

LABEL, IN PART: (Jar) "S. & D Brand Contents 1 Gallon Vanilla Syrup [or "Orangeade Syrup"]."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the name "Vanilla Syrup" was false and misleading as applied to the article, which was an artificially flavored and colored product containing no vanilla; and the name "orangeade" was false and misleading as applied to a product which contained no orange juice; Section 403 (c), the "vanilla syrup" was an imitation of another food and its labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and both products were fabricated from two or more ingredients and the labels failed to bear the common or usual name of each such ingredient, since the ingredients were not listed; and, Section 403 (k), the "vanilla syrup" contained artificial flavoring and coloring and did not bear labeling stating that fact.

DISPOSITION: March 9, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

6405. Adulteration and misbranding of orange drink, pineapple and orange drink, and grape drink. U. S. v. 148 Cases of Orange Drink (and 2 other seizure actions against beverages). Default decrees of condemnation. Products ordered sold. (F. D. C. No. 11601. Sample Nos. 47701-F to 47703-F, incl.)

LIBEL FILED: January 8, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 4 and 5, 1943, by the G. & G. Distributors, from Salem, Ill.

PRODUCT: 148 cases, each containing 6 bottles, of orange drink; 84 cases, each containing 6 bottles, of pineapple and orange drink; and 26 cases, each containing 6 bottles, of grape drink, at St. Louis, Mo.

LABEL, IN PART: (Bottles) "Sun-Vale Orange [or "Pineapple & Orange," or "Concord Grape"] Drink."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), (orange drink and pineapple and orange drink) flavored, artificially colored liquids containing fruit pomace and little or no fruit juice and sweetened with saccharin and sugar, acidulated with phosphoric acid or acid phosphate, and containing no demonstrable amounts of vitamins, had been substituted for the articles; (grape drink) an artificially flavored and colored, acidulated liquid, sweetened with saccharin and sugar and containing little or no grape juice, had been substituted for the article; Section 402 (b) (3), inferiority had been concealed by the use of artificial color and saccharin, and, in addition, fruit pomace in the case of the orange and the orange and pineapple drinks, and artificial flavor, in the case of the grape drink; and Section 402 (b) (4), a substance, saccharin, having no food value, had been added to the articles or mixed or packed therewith so as to reduce their quality or strength.

Misbranding, Section 403 (a), the statements "Orange Drink * * * To the Pure Orange Juice is added the vitamins contained in the peel. Contains Pure orange juice, pure lemon juice," "Pineapple & Orange Drink * * * "To the Pure Pineapple Juice and the Pure Orange Juice is added the vitamins contained in the peel," and "Concord Grape Drink * * * contains Pure Grape Juice," in the labelings of the respective products, were false and misleading; Section 403 (b), the articles were offered for sale under the names of other foods; and, Section 403 (i) (2), they were fabricated from two or more ingredients and the labels failed to bear the common or usual name of each such ingredient.

DISPOSITION: February 5 and 7, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered sold on condition that they should not be disposed of in violation of the law. They were destroyed and the containers salvaged.

6406. Adulteration of root beer. U. S. v. 360 Cases and 156 Cases of Root Beer. Consent decree of condemnation. Product ordered destroyed, and bottles and cases returned to claimant. (F. D. C. No. 12370. Sample No. 79523-F.)

LIBEL FILED: May 12, 1944, District of Columbia.

PRODUCT: 360 cases, each containing 12 quart bottles, and 156 cases, each containing 24 pint bottles, of root beer offered for sale in the District of Columbia at the Root Pop Bottling Co.

LABEL IN PART: (Bottles, portion) "Root Rock Beverages * * * Bottled by Root Rock Beverages Washington, D. C."

VIOLATION CHARGED: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, monochloroacetic acid, which was unsafe within the meaning of the law since it was a substance not required in the production of the food and could have been avoided by good manufacturing practice.

DISPOSITION: May 22, 1944. The Root Pop Bottling Co., Inc., Washington, D. C., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed, and the bottles and cases were ordered returned to the claimant.

CEREALS AND CEREAL PRODUCTS

ALIMENTARY PASTES*

6407. Adulteration of egg noodles and noodle soup mixture. U. S. v. A. Goodman & Sons, Inc. Plea of guilty. Fine, \$2,250. (F. D. C. No. 10582. Sample Nos. 18828-F, 23516-F, 44598-F.)

INFORMATION FILED: On January 14, 1944, in the Southern District of New York, against A. Goodman & Sons, Inc., New York, N. Y.

ALLEGED SHIPMENT: On or about November 16, 1942, and February 23, 1943, from the State of New York into the States of New Jersey, Pennsylvania, and Connecticut.

LABEL, IN PART: "Goodman's * * * Egg Noodles [or "Noodle Soup"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following types of filth: Rodent hair fragments, rodent excreta fragments, fragments resembling rodent excreta, fragments resembling rodent hair, beetle and insect fragments, an insect, a human hair fragment, wood splinters, paint, pebbles, paper fragments, a cat hair, and a feather barbule; and Section 403 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 4, 1944. The defendant having entered a plea of guilty, a fine of \$750 on each of 3 counts was imposed, a total fine of \$2,250.

6408. Adulteration of alimentary paste. U. S. v. Gioia Macaroni Co., Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 10574. Sample Nos. 33612-F, 33732-F.)

INFORMATION FILED: On November 10, 1943, in the Western District of New York, against Gioia Macaroni Co., Inc., Rochester, N. Y.

ALLEGED SHIPMENT: On or about January 28 to February 16, 1943, from the State of New York into the State of Pennsylvania.

LABEL, IN PART: (Boxes) "Gioia Anellini," "Blue and White Spaghetti," or "Blue and White Elbows Macaroni."

VIOLATIONS CHARGED: Adulteration, Section 402(a)(3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and hair fragments resembling rodent hairs; and, Section 402(a)(4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 1, 1944. A plea of guilty having been entered, a fine of \$250 on each of 2 counts, a total of \$500, was imposed.

6409. Adulteration of macaroni and spaghetti. U. S. v. 48 Cases of Macaroni and 113 Cases of Spaghetti. Default decrees of condemnation and destruction. (F. D. C. 10366, 10794. Sample Nos. 35438-F, 35440-F, 35618-F.)

LIBELS FILED: August 10 and September 22, 1943, Western District of South Carolina and Northern District of Georgia.

*See also Nos. 6579 and 6580.

ALLEGED SHIPMENT: On or about June 25 and August 20, 1943, by the Tampa Macaroni Corporation, from Tampa, Fla.

PRODUCT: 48 cases, each containing 24 6-ounce packages, of macaroni at Lancaster, S. C.; and 99 cases, each containing 24 6-ounce cartons, 4 cases, each containing 10 pounds, and 10 cases, each containing 20 pounds, of spaghetti at Atlanta, Ga.

LABEL, IN PART: (Packages) "Tom's Brand Macaroni," or "Tampa-Maid [or "Pisa"] Brand Spaghetti."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and webbing in the macaroni, and insect fragments and rodent hair fragments in the spaghetti; and, Section 402 (a) (4), the spaghetti had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 28 and October 27, 1943. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

6410. Adulteration of cut spaghetti. U. S. v. 19 Cartons of Cut Spaghetti. Default decree of condemnation and destruction. (F. D. C. No. 12231. Sample No. 66565-F.)

LIBEL FILED: On or about April 20, 1944, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about February 26, 1944, by the American Beauty Macaroni Co., from Wichita, Kans.

PRODUCT: 19 cartons, each containing 24 1-pound cellophane bags, of cut spaghetti, at Tulsa, Okla.

LABEL IN PART: (Bags) "American Beauty Highest Quality Macaroni Products."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

BAKERY PRODUCTS

6411. Adulteration of rye bread and whole wheat bread. U. S. v. Colonial Stores, Inc. (Pender's Daylight Bakery). Plea of guilty. Fine, \$200. (F. D. C. No. 10611. Sample Nos. 52813-F, 52815-F, 52816-F.)

INFORMATION FILED: December 17, 1943, in the Eastern District of Virginia, against Colonial Stores, Inc., trading as the Pender's Daylight Bakery at Norfolk, Va.

ALLEGED SHIPMENT: On or about April 23, 1943, from the State of Virginia to the State of North Carolina.

LABEL, IN PART: (Wrappers) "Pender's * * * Seeded Rye Bread," "Colonial Old Fashioned," or "100% Wholewheat Triple Fresh Bread."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 17, 1944. A plea of guilty having been entered, a fine \$200 was imposed.

6412. Adulteration of fruit cake. U. S. v. 417 Boxes of Fruit Cake (and 1 other seizure action against fruit cake). Judgment of condemnation and destruction. (F. D. C. Nos. 11497, 11557. Sample Nos. 57231-F, 65717-F.)

LIBELS FILED: December 28, 1943, and January 4, 1944, District of New Jersey.

ALLEGED SHIPMENT: From on or about October 26 to November 19, 1943, by the Five-Boro Baking Co., and the Mack-Murray Co., from New York, N. Y.

PRODUCT: 417 boxes, each containing 1 2-pound fruit cake at Newark, N. J., and 23 2-pound fruit cakes at Paterson, N. J.

LABEL, IN PART: "Colonial De Lux Fruit Cake," or "Colonial Pure Food Fruit Cake."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: March 6, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6413. Adulteration of cookies. U. S. v. Oather Dorris McKee (Jack's Cookie Co.). Plea of nolo contendere. Fine, \$200 on count 1; judgment suspended on counts 2 and 3. (F. D. C. No. 9689. Sample Nos. 28477-F, 28479-F, 35331-F, 35405-F.)

INFORMATION FILED: On August 19, 1943, in the Western District of North Carolina, against Oather Dorris McKee, trading as Jack's Cookie Co., at Charlotte, N. C.

ALLEGED SHIPMENT: From on or about February 24 to March 24, 1943, from the State of North Carolina into the States of Georgia and South Carolina.

LABEL, IN PART: "Jack's 5¢ Tasty Lunch."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On October 7, 1943, a plea of nolo contendere having been entered, a fine of \$200 was imposed on count 1. Judgment was withheld with respect to counts 2 and 3, and was suspended by the court on October 5, 1944.

6414. Adulteration and misbranding of pies. U. S. v. Arthur F. Roberts, Receiver for Darcy's Pies. Plea of guilty. Fine, \$50. (F. D. C. No. 11366. Sample Nos. 17100-F, 19928-F, 19929-F, 20623-F.)

INFORMATION FILED: On May 3, 1944, in the District of Massachusetts, against Arthur F. Roberts, receiver for the firm trading as Darcy's Pies, at Chicopee Falls, Mass.

ALLEGED SHIPMENT: From on or about January 6 to June 4, 1943, from the State of Massachusetts into the States of New York and Rhode Island.

LABEL, IN PART: "A Grand Pie * * * Pineapple * * * Distributed by Grand Cake Co., Brooklyn, N. Y.," "Distributed By White House Boston Mass. * * * Lemon [or "Pineapple"]," "Darcy's Chicopee Falls, Mass. * * * Pineapple," or "Darcy's Everybody's."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, pineapple or lemon juice, had been in whole or in part omitted from the food; and, Section 402 (b) (2), pie filling consisting essentially of artificially colored cornstarch paste, and containing little or no fruit or lemon juice, had been substituted in whole or in part for pineapple and lemon fillings.

Misbranding, Section 403 (a), the statements "Pineapple" or "Lemon," borne on the labels, were false and misleading as applied to the products; and the statement "A Grand Pie," borne on the label of a portion of the pineapple pie, was false and misleading since it represented and suggested that the article was a pie of superior quality, whereas it was not.

DISPOSITION: May 18, 1944. A plea of guilty having been entered, the defendant was fined \$50.

6415. Adulteration of peanut butter cheese sandwiches. U. S. v. President Products, Inc., and Emanuel H. Schwartz, and Jacob Schwartz. Pleas of guilty. Each defendant fined \$400. (F. D. C. No. 11340. Sample Nos. 22776-F, 22777-F.)

INFORMATION FILED: On February 29, 1944, in the District of New Jersey, against President Products, Inc., and Emanuel H. Schwartz and Jacob Schwartz, West New York, N. J.

ALLEGED SHIPMENT: On or about May 13 and 18, 1943, from the State of New Jersey into the State of Pennsylvania.

LABEL, IN PART: (Packages) "Vitamin Rich Peanut Butter Cheese Sandwiches."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, rodent excreta pellet fragments, fragments resembling rodent excreta, a feather fragment, and dirt particles, and, Section

402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 7, 1944. Pleas of guilty having been entered, each defendant was fined \$400.

6416. Misbranding of peanut butter sandwiches. U. S. v. 7 Cartons of Peanut Butter Sandwiches. Default decree of condemnation and destruction. (F. D. C. No. 11287. Sample Nos. 51258-F, 51560-F.)

LIBEL FILED: December 10, 1943, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 15, 1943, by the R. I. Biscuit Co., from Providence, R. I.

PRODUCT: 7 cartons, each containing 48 packages, of peanut butter sandwiches at Springfield, Mass.

LABEL, IN PART: "Ribco Peanut Butter Sandwiches * * * Weight: Not less than 4 ounces."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement, "Weight: Not less than 4 ounces," on the label was false and misleading as applied to an article that was short-weight; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 31, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6417. Adulteration of Soy Bean Thins. U. S. v. 28 Dozen Packages of Soy Bean Thins. Default decree of condemnation and destruction. (F. D. C. No. 12248. Sample No. 76422-F.)

LIBEL FILED: April 25, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about February 4, 1944, by Frank Burns, Inc., Philadelphia, Pa.

PRODUCT: 28 dozen 7-ounce packages of Soy Bean Thins at New York, N. Y.

LABEL, IN PART: "Nutty Soy Bean thins."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments.

DISPOSITION: May 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6418. Misbranding of cheese wafers. U. S. v. 5 Cases of Cheese Wafers. Default decree of condemnation and destruction. (F. D. C. No. 10267. Sample No. 42926-F.)

LIBEL FILED: July 31, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about May 22, 1943, by the King Kone Corporation, from New York, N. Y.

PRODUCT: 5 cases, each containing 12 cans, of cheese wafers at Seattle, Wash. The average net weight of each can of the article was 3.16 ounces.

LABEL, IN PART: (Cans) "Old London Cheese-baked-in Waffies * * * Net Weight 4 Ounces."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Cheese-baked-in" was false and misleading as applied to the article, which contained little or no cheese; and the statement "Net Weight 4 Ounces" was false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CORN MEAL*

6419. Adulteration of corn meal. U. S. v. 21 Bales of Corn Meal. Default decree of condemnation. Product ordered disposed of in compliance with the law. (F. D. C. No. 11757. Sample No. 40304-F.)

LIBEL FILED: February 9, 1944, District of South Dakota.

ALLEGED SHIPMENT: On or about December 8, 1943, by the Plymouth Cereal Mills, from Le Mars, Iowa.

*See also No. 6435.

PRODUCT: 21 bales, each containing 10 5-pound bags, of corn meal at Sioux Falls, S. Dak.

LABEL, IN PART: (Bags) "Choice Plymouth Yellow Corn Meal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and insect fragments.

DISPOSITION: March 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of in accordance with the law. The article was delivered to a State institution for use as stock feed.

6420. Adulteration of corn meal. U. S. v. 50 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 12159. Sample No. 49384-F.)

LIBEL FILED: April 7, 1944, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about March 24, 1944, by the Vernon Roller Mills, Vernon, Ind.

PRODUCT: 50 25-pound bags of corn meal at Corbin, Ky.

LABEL, IN PART: (Bags) "Fresh Ground Corn Meal Jake Swarthout Vernon, Ind."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs.

DISPOSITION: May 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6421. Adulteration of corn meal. U. S. v. 64 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 12139. Sample No. 60805-F.)

LIBEL FILED: April 6, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about January 18, 1944, by the Quaker Oats Co., from St. Joseph, Mo.

PRODUCT: 64 98-pound bags of corn meal at Plaquemine, La.

LABEL, IN PART: "Aunt Jemina White Cream Corn Meal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and insects.

DISPOSITION: May 29, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6422. Adulteration of corn meal. U. S. v. 48 Sacks and 100 Bags of Corn Meal. Decrees of condemnation. Portion of product ordered delivered to a charitable institution; remainder order destroyed. (F. D. C. Nos. 11929, 13881. Sample Nos. 40603-F, 59882-F.)

LIBEL FILED: March 1 and October 9, 1944, District of Minnesota and Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 5 and August 18, 1944, by Inland Mills, Inc., Des Moines, Iowa.

PRODUCT: Corn meal: 48 sacks, each containing 10 5-pound packages, at Winona, Minn., and 100 100-pound bags at Chicago, Ill.

LABEL, IN PART: "Certainty Granulated Corn Meal White," or "Certainty * * * Yellow Corn Meal Beaver Valley Milling Co. Division of Inland Mills, Inc. Des Moines, Iowa."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and, in the Chicago lot only, weevils and larvae; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 17, 1944. No claimant having appeared for the Winona lot, a decree of condemnation was entered and the product was ordered destroyed. The decree was amended May 1, 1944, to permit the delivery of the product to

a charitable institution. The consignee of the Chicago lot having consented to the entry of a decree, judgment of condemnation was entered on November 2, 1944, and that lot was ordered destroyed.

6423. Adulteration of corn meal. U. S. v. 388 Bags of Corn Meal. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11930. Sample No. 67378-F.)

LIBEL FILED: February 29, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 25, 1943, by the Ewing Mill Co., Ewing, Ind.

PRODUCT: 388 bags, each containing 25 pounds, of corn meal at Cincinnati, Ohio.

LABEL IN PART: "Stone City Corn Meal Manufactured By Robertson Mill Co. Bedford—Indiana."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments.

DISPOSITION: March 15, 1944. The Ewing Mill Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be used in the manufacture of animal feed, under the supervision of the Food and Drug Administration.

FLOUR

Nos. 6424 to 6436 report actions involving flour that was contaminated with one or more of the following types of filth: Insects, insect fragments, insect excreta, larvae, pupae, and webbing, rodent hairs, hairs resembling rodent hairs, and rodent excreta. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.)

6424. Adulteration of flour. U. S. v. 102 Sacks of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12184. Sample No. 66545-F.)

LIBEL FILED: April 15, 1944, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about December 13, 1943, and January 12, 1944, from Salina, Kans.

PRODUCT: 102 50-pound sacks of flour at Oklahoma City, Okla., in possession of the Fleming Co.

The flour was stored under insanitary conditions after shipment. The bags had been torn by rodents, and rodent nests were found in the stack of flour. Examination of samples showed that the product contained rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 16, 1944. The Fleming Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and denatured for use as animal feed.

6425. Adulteration of flour. U. S. v. 10 Bags of Flour. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 11482. Sample No. 57229-F.)

LIBEL FILED: December 28, 1943, District of New Jersey.

ALLEGED SHIPMENT: On or about May 26, 1943, by the Decatur Milling Co., Inc., From Decatur, Ill.

PRODUCT: 10 100-pound bags of flour at Newark, N. J.

LABEL, IN PART: "Ajax White Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, and insect fragments.

DISPOSITION: March 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as animal feed.

6426. Adulteration of flour. U. S. v. 260 Sacks of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12262. Sample No. 59174-F.)

LIBEL FILED: April 25, 1944, District of Maryland.

ALLEGED SHIPMENT: On or about March 24, and 28, 1944, by Weigel Bros., from Oxford, Pa.

PRODUCT: 260 sacks, each containing 98 pounds, of flour at Baltimore, Md.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 20, 1944. Weigel Bros., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond for use other than human consumption, under the supervision of the Food and Drug Administration.

6427. Adulteration of flour. U. S. v. 2,599 Bags of Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11791. Sample Nos. 50645-F to 50648-F, incl.)

LIBEL FILED: On or about February 17, 1944, District of New Jersey.

ALLEGED SHIPMENT: From on or about September 18 to October 2, 1943, from Frederick, Md.

PRODUCT: 2,599 100-pound bags of flour at Camden, N. J., in possession of the Campbell Soup Co.

The product had been stored under insanitary conditions after shipment. Inspection of the storage room revealed evidence of insect and rodent infestation. Examination of samples showed that a portion contained insects, larvae, insect fragments, and insect excreta, and the remainder contained rodent excreta, rodent hairs, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 17, 1944. The Campbell Soup Co., Camden, N. J., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be used in the manufacture of animal or poultry feed or to be destroyed or denatured under the supervision of the Food and Drug Administration.

6428. Adulteration of plain flour and self-rising flour. U. S. v. 70 Bags of Plain Flour and 40 Bags of Self-Rising Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11690. Sample No. 35562-F.)

LIBEL FILED: January 24, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about December 2, 1943, by the Winchester Milling Corporation, from Winchester, Va.

PRODUCT: 70 98-pound bags of plain flour, and 40 98-pound bags of self-rising flour at Matthews, N. C.

LABEL, IN PART: "High Patent Supreme Flour," or "Supreme Quality Flour * * * Self-Rising."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and larvae.

DISPOSITION: March 11, 1944. E. M. Renfrow, Matthews, N. C., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured and used for animal feed, under the supervision of the Food and Drug Administration.

6429. Adulteration of plain flour and self-rising flour. U. S. v. 409 Bags of Plain Flour and 1,500 Bags of Self-Rising Flour. Default decree of condemnation and destruction. (F. D. C. No. 11943. Sample Nos. 78003-F, 78004-F.)

LIBEL FILED: March 1, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: From on or about January 10 to 31, 1944, by the Dayett Mills, from Newark, Del.

PRODUCT: 275 2-pound bags, 50 5-pound bags, 80 10-pound bags, and 4 100-pound bags of plain flour, and 500 2-pound bags, 460 5-pound bags, and 540 10-pound bags of self-rising flour at Philadelphia, Pa.

LABEL, IN PART: (Bags) "Champion Fancy Family Flour Bleached," "Ez-Bake Self-Rising Flour," or "EZ Bake Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments.

DISPOSITION: March 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6430. Adulteration of plain flour, rye flour, and whole wheat, bromated flour. U. S. v. 10 Bags of Plain Flour, 10 Bags of Rye Flour and 8 Bags of Whole Wheat Bromated Flour. Default decrees of condemnation and destruction. (F. D. C. No. 11693. Sample Nos. 48964-F to 48966-F, incl.)

LIBEL FILED: February 3, 1944, Southern District of Indiana.

ALLEGED SHIPMENT: From on or about May 1 to 18, 1943, by the International Milling Co., from Davenport, Iowa, and New Prague, Minn.

PRODUCT: 10 98-pound bags of plain flour, 10 98-pound bags of rye flour, and 8 98-pound bags of whole wheat, bromated flour at Evansville, Ind.

LABEL IN PART: "Bohemia Flour," "Robin Hood White Pure Rye Flour," or "Robin Hood Fine Whole Wheat Flour Bromated."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following types of filth: Larvae, weevils, insect fragments, and hairs resembling rodent hairs.

DISPOSITION: April 10, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6431. Adulteration of fried cake mix (doughnut flour). U. S. v. 35 Bags of Fried Cake Mix. Default decree of condemnation and destruction. (F. D. C. No. 12173. Sample No. 75219-F.)

LIBEL FILED: April 11, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about December 18, 1943, from Hillsdale, Mich.

PRODUCT: 35 100-pound bags of fried cake mix at Rochester, N. Y., in the possession of Head-Miller, Inc.

The product was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and examination showed that the flour was contaminated with rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed..

6432. Adulteration of corn flour. U. S. v. 38 Bags of Flour (and 2 other seizure actions against flour). Decrees of condemnation. Portion ordered released under bond; remainder ordered denatured for non-human consumption. (F. D. C. Nos. 11471, 11833, 13209. Sample Nos. 50935-F, 72237-F, 72385-F.)

LIBELS FILED: December 28, 1943, District of New Jersey; February 15 and September 15, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: From on or about May 8 to 25, 1944, by the Decatur Milling Co., from Decatur, Ill.

PRODUCT: Flour: 37 bags, each containing 100 pounds, at Trenton, N. J., and 78 bags and 17 sacks, each containing 100 pounds, at St. Louis, Mo.

LABEL, IN PART: "Degerminated Hudnuts Hexagon Brand [or "Degerminated Hudnuts"] Corn Flour [or "Hudnut Corn Flour Degerminated"] * * * Made From Select White Corn."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, pupae, insect fragments, insect excreta, and webbing.

DISPOSITION: March 11, 1944. The E. Guckenheim Bakers' Supply Co., St. Louis, Mo., claimant for the 78 bags, having admitted the allegations of the libel,

judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration and sold for animal consumption. On March 28 and September 15, 1944, no claimant having appeared for the remainder, judgments of condemnation were entered and the 38 bags were ordered delivered to a county institution to be used as hog or other livestock feed after destruction of the labels under the supervision of the Food and Drug Administration; the 17 sacks were ordered denatured under the supervision of the Food and Drug Administration and sold to the highest bidder, for non-human consumption.

6433. Adulteration of rolled oats and corn flour. U. S. v. 40 Bags of Rolled Oats and 22 Bags of Corn Flour. Default decree of condemnation and destruction. (F. D. C. No. 11954. Sample Nos. 35761-F to 35764-F, incl.)

LIBEL FILED: March 6, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: From on or about May 18 to October 15, 1943, from Cedar Rapids, Iowa, Decatur, Ill., and Chicago, Ill.

PRODUCT: 28 100-pound bags and 12 90-pound bags of rolled oats, 10 100-pound bags of yellow corn flour, and 12 100-pound bags of white corn flour, at Atlanta Ga., in possession of the Brown-Rogers-Dixson Co.

The products had been stored under insanitary conditions after shipment. Examination of samples showed that the products were contaminated with one or more of the following types of filth: Rodent urine, rodent excreta, rodent hairs, insect larvae, weevils, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a filthy substance. Section 402 (a) (4), they had been held under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: April 12, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

6434. Adulteration of graham flour. U. S. v. 29 Bags of Graham Flour. Default decree of condemnation. Product ordered delivered to a charitable institution, for denaturing and use as animal feed. (F. D. C. No. 12082. Sample No. 61456-F.)

LIBEL FILED: March 25, 1944, Western District of Texas.

ALLEGED SHIPMENT: On or about November 15, 22, and 29, 1943, from Independence, Mo.

PRODUCT: 29 100-pound bags of graham flour at San Antonio, Tex., in possession of the Grandma Cookie Co.

The product had been stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets were found on and between them. Examination of a sample showed that the product contained rodent excreta, insects, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable institution, for denaturing and use as animal feed.

6435. Adulteration of salt, sweet dough mix, corn meal, green split peas, whole wheat graham flour, rolled oats, and cake flour. U. S. v. 18 Bags of Salt, 8 Bags of Sweet Dough Mix, 31 Bags of Corn Meal, 6 Bags of Green Split Peas, 9 Bags of Whole Wheat Graham Flour, 13 Bags of Rolled Oats, and 25 Bags of Cake Flour. Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 12238. Sample Nos. 58783-F to 58791-F, incl.)

LIBEL FILED: April 21, 1944, District of Columbia.

PRODUCT: 18 100-pound bags of salt, 8 100-pound bags of sweet dough mix, 23 100-pound bags of yellow cream corn meal, 6 bags of green split peas, 9 100-pound bags of whole wheat graham flour, 13 100-pound bags of rolled oats, 8 100-pound bags of white cream corn meal, and 25 100-pound bags of cake flour, at Washington, D. C., in possession of S. A. Gatti & Son.

The products had been stored under insanitary conditions. The premises were rodent infested and many of the bags had been cut by rodents and contained rodent pellets and urine stains. Examination of samples showed the presence of rodent excreta, rodent hairs, insect fragments, and urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 10, 1944. Seraphin A. Gatti and Stephen A. Gatti, trading as S. A. Gatti & Son, claimants, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond to be converted into animal feed under the supervision of the Food and Drug Administration.

6436. Adulteration of soy-flake flour and corn flakes. U. S. v. 20 Bags of Soy-flake Flour and 10 Bags of Corn Flakes. Default decrees of condemnation. Product ordered sold to be denatured for purposes other than human consumption. (F. D. C. No. 11898. Sample Nos. 62857-F, 62858-F.)

LIBELS FILED: February 24, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 24 and September 28, 1943, from Decatur, Ill.

PRODUCT: 10 50-pound bags of corn flakes and 20 100-pound bags of soy-flake flour at St. Louis, Mo., in possession of the St. Louis Bakers Co-Operative Association.

The articles had been stored under insanitary conditions after shipment. Many of the bags had been torn by rodents, and rodent nests were found. Examination showed the presence of rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 23, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered sold to be denatured for purposes other than human consumption.

MISCELLANEOUS CEREAL PRODUCTS*

6437. Adulteration of bran flakes. U. S. v. 175 Cases of Bran Flakes. Default decree of condemnation and destruction. (F. D. C. No. 11784. Sample No. 940-F.)

LIBEL FILED: February 14, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 4, October 12, and November 26, 1943, by the General Foods Sales Co., from Battle Creek, Mich.

PRODUCT: 175 cases, each containing 24 8-ounce boxes, of bran flakes at Chicago, Ill.

LABEL IN PART: (Boxes) "Post's 40% Bran Flakes with other parts of Wheat."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the article contained an added deleterious substance, glass, which might have rendered it injurious to health.

DISPOSITION: March 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6438. Adulteration of corn grits. U. S. v. 600 Bags of Grits. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11708. Sample No. 61078-F.)

LIBEL FILED: January 25, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 30, 1943, from Decatur, Ill.

PRODUCT: 600 100-pound bags of corn grits at New Orleans, La., in possession of the Commercial Terminal Warehouse Co., Inc.

The product was stored under insanitary conditions after shipment. The bags had been cut by rodents, and rodent excreta was observed on the bags. Examination of samples of the article showed that the product was contaminated with rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

*See also Nos. 6433, 6435, and 6436.

DISPOSITION: March 1, 1944. The New Orleans Brewing Co., Inc., New Orleans, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be denatured and sold for animal or poultry food under the supervision of the Food and Drug Administration.

6439. Adulteration of cracker meal. U. S. v. 24 Cartons and 23 Cartons of Cracker Meal. Default decrees of condemnation and destruction. (F. D. C. Nos. 12219, 12280. Sample Nos. 35952-F, 65728-F.)

LIBELS FILED: On or about April 22 and May 2, 1944, Southern District of New York and Northern District of Georgia.

ALLEGED SHIPMENT: From on or about March 14 to 27, 1944, by R. Fretz, Philadelphia, Pa.

PRODUCT: Cracker meal: 24 cartons, each containing 12 14-ounce packages, at New York, N. Y.; and 23 cartons, each containing 6 10-pound bags, at Atlanta, Ga.

LABEL, IN PART: (Portion) "Blue Star Brand."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, fragments resembling rodent hairs, insect fragments, and mites; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 15 and 18, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6440. Adulteration of kosher meal. U. S. v. 113 Bags of Kosher Meal. Default decree of condemnation and destruction. (F. D. C. No. 12059. Sample No. 76908-F.)

LIBEL FILED: March 27, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 28, 1944, by B. C. Friedman & Sons, from Philadelphia, Pa.

PRODUCT: 113 bags, each containing 80 pounds, of kosher meal at Brooklyn, N. Y.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6441. Adulteration of popcorn. U. S. v. E. B. Hostetter Co. Plea of guilty. Fine, \$1,000 and costs. (F. D. C. No. 10577. Sample No. 23038-F.)

INFORMATION FILED: On November 18, 1943, in the Southern District of Ohio, against the E. B. Hostetter Co., a corporation, Richwood, Ohio.

ALLEGED SHIPMENT: On or about February 5, 1943, from the State of Ohio into the State of Pennsylvania.

LABEL, IN PART: "Nunso Evaporated Sweet Corn Popping Corn."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent-damaged corn; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 10, 1944. The defendant having entered a plea of guilty, a fine of \$1,000 and costs was imposed.

6442. Adulteration of brewers rice. U. S. v. 666 Bags and 334 Bags of Brewers Rice. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11923. Sample No. 62627-F.)

LIBELS FILED: February 28, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 9, 1943, by the Phillips Milling Co., from Dos Palos, Calif.

PRODUCT: 1,000 bags of brewers rice at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, cast skins, and insect fragments.

DISPOSITION: March 30, 1944. Cases consolidated; the Griesedieck Bros. Brewing Co., St. Louis, Mo., claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured and disposed of for purposes other than human consumption, under the supervision of the Food and Drug Administration.

6443. Adulteration of rice. U. S. v. 504 Cases of Rice. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11787. Sample No. 70914-F.)

LIBEL FILED: On or about February 17, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about March 12, 1943, by the National Retail Owned Grocery Stores, from New Orleans, La.

PRODUCT: 504 cases, each containing 30 15-ounce packages, of rice at Portland, Oreg.

LABEL, IN PART: (Packages) "Shurfine Brand Supreme Quality White Uncoated Rice National Retailer-Owned Grocers, Inc. Distributors Chicago, Illinois."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, cast skins, and insect excreta.

DISPOSITION: March 3, 1944. United Grocers, Inc., Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

6444. Adulteration of rice. U. S. v. 22 Bales and 6 Bales of Rice. Default decree of condemnation and destruction. (F. D. C. No. 11595. Sample No. 30170-F.)

LIBEL FILED: On or about January 6, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about January 9, 1943, from Jennings, La.

PRODUCT: 22 bales, each containing 10 10-pound bags, and 6 bales, each containing 4 25-pound bags, of rice at Tacoma, Wash., in possession of the Pacific Fruit & Produce Co. •

The rice was stored under insanitary conditions after shipment. Rodent pellets were scattered over and between the bales and on the floor. Urine stains were noted on the bales and the bags, and many of the bags had been gnawed by rodents. Examination of samples showed that the product contained rodent hairs, insect fragments, and larvae.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6445. Adulteration of granulated soy beans. U. S. v. 2 Bags of Granulated Soya Beans. Default decree of condemnation and destruction. (F. D. C. No. 10677. Sample No. 55406-F.)

LIBEL FILED: September 9, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about July 20, 1943, by H. Schoenfeld & Sons, Inc., from New York, N. Y.

PRODUCT: 2 bags, containing a total of 200 pounds, of granulated soy beans at Seattle, Wash.

LABEL, IN PART: (Bags) "Callahan Supply Co., Seattle, Wash."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live worms, pupae, webbing, and excreta.

DISPOSITION: April 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6446. Adulteration of soy grits. U. S. v. 80 Bags of Soy Grits. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11746. Sample No. 61079-F.)

LIBEL FILED: February 4, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about March 22, 1943, by the A. E. Staley Manufacturing Co., from Decatur, Ill.

PRODUCT: 80 100-pound bags of soy grits at New Orleans, La.

LABEL, IN PART: "Staley's Packers Grits."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: March 10, 1944. The A. E. Staley Manufacturing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured and sold for animal feed under the supervision of the Food and Drug Administration.

CHOCOLATE, SUGARS, AND RELATED PRODUCTS

CANDY*

6447. Adulteration of candy. U. S. v. Heller Candy Co., Inc. Plea of guilty. Fine, \$1,250. (F. D. C. No. 10557. Sample Nos. 20498-F, 22641-F, 22778-F, 37147-F, 37148-F, 45947-F, 46144-F.)

INFORMATION FILED: On December 27, 1943, in the Southern District of New York, against the Heller Candy Co., Inc., New York, N. Y.

ALLEGED SHIPMENT: From on or about March 20 to May 8, 1943, from the State of New York into the States of Massachusetts, Pennsylvania, Maryland, and the District of Columbia.

LABEL, IN PART: "Licorice Leaves," "Honey Leaves," "Molasses Mint," or "Miniatures."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following types of filth: Rodent excreta fragment, hair fragments resembling rodent or cat hairs, metal shaving, brush bristle, insect fragments, nondescript vegetable matter, a small amount of wax, rodent hair fragments, human hair fragments, soot, dirt, charcoal and coal fragments, and an insect (fly) fragment; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 18, 1944. The defendant having entered a plea of guilty, a fine of \$1,250 was imposed.

6448. Adulteration of candy. U. S. v. Charles C. Bennett (Novelty Peanut Co.). Plea of nolo contendere. Fine, \$500 on count 1; sentence withheld on counts 2 and 3. (F. D. C. No. 11343. Sample Nos. 6558-F, 43451-F, 47808-F.)

INFORMATION FILED: On March 17, 1944, in the Northern District of Texas, against Charles C. Bennett, trading as the Novelty Peanut Co., at Dallas Tex.

ALLEGED SHIPMENT: From on or about July 8 to August 6, 1943, from the State of Texas into the States of Arkansas, Kansas, and Missouri.

LABEL, IN PART: (Wrappers) "White Caps."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following types of filth: Rat or mouse hairs, rat or mouse hair fragments, rat or mouse excreta fragments, live adult insects, insect larvae and insect larvae heads, insect larva fragments, insect excreta fragments, chitin fragments, insect fragments, insect excreta pellets, a worm skin, and a sugar mite; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 8, 1944. A plea of nolo contendere having been entered, a fine of \$500 was imposed on count 1, and sentence was withheld on counts 2 and 3.

6449. Adulteration of candy. U. S. v. 13 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 10315. Sample Nos. 31072-F, 42717-F.)

LIBEL FILED: August 7, 1943, Western District of Washington.

*See also No. 6592.

ALLEGED SHIPMENT: On or about July 1, 1943, by Torn & Glasser, Los Angeles, Calif.

PRODUCT: 13 18-pound cases of candy at Seattle, Wash.

LABEL, IN PART: "Apricot Nut Rolls."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of hair fragments resembling rodent hairs.

DISPOSITION: April 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6450. Adulteration of candy. U. S. v. 197 Boxes of Chocolate Peanut Bars. Default decree of condemnation and destruction. (F. D. C. No. 11987. Sample No. 66153-F.)

LIBEL FILED: March 9, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 16, 1944, by the Melba Sweets Co., from West New York, N. J.

PRODUCT: 197 boxes, each containing 24 1½-ounce bars of candy at Brooklyn, N. Y.

LABEL, IN PART: (Boxes) "Melba's Sweet Chocolate Peanut Bars."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6451. Misbranding of candy. U. S. v. 12 Cartons of Candy. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12100. Sample Nos. 54026-F, 54032-F.)

LIBEL FILED: March 27, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about December 22, 1943, by the Keystone Candy Sales Corporation, New York, N. Y.

PRODUCT: 12 cartons, each containing 53 1-pound boxes, of candy, at Los Angeles, Calif.

LABEL, IN PART: (Boxes) "Miss Marvin's Chocolate Covered Fruit and Nut Bar in Cream."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements on the labeling, "Fruit and Nut Bar," and "Mixed Fruits & Nuts," were false and misleading as applied to the article, which contained no fruit other than ½ percent of citrus peel and 1 fragment of cherry in a pound, and only about 5 percent of peanuts, with no other nuts; Section 403 (d), the container was so filled as to be misleading since the candy occupied only about 40 percent of the volume of the box; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since soya flour was not declared.

DISPOSITION: April 21, 1944. The Mid-City Candy Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be repacked and relabeled under the supervision of the Federal Security Agency.

COCOA AND CHOCOLATE*

6452. Adulteration and misbranding of cocoa. U. S. v. 354 Cases of Cocoa. Default decree of condemnation and destruction. (F. D. C. No. 12148. Sample No. 35766-F.)

LIBEL FILED: On or about April 11, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 4, and November 15, 1943, by the Brown-Rogers-Dixson Co., from Winston-Salem, N. C.

PRODUCT: 354 cases, each containing 12 bags of cocoa, some bags unlabeled, at Atlanta, Ga.

LABEL, IN PART: (Portion of product, bags) "Old Fashion Cocoa with stabilizer added * * * Manufactured by Selected Dairies, Inc."

*See also Nos. 6401 and 6584.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of cocoa, cocoa shells, sugar, and other ingredients had been substituted in whole or in part for cocoa, which the article purported or was represented to be; and, Section 402 (b) (4), cocoa shells had been added thereto or mixed or packed therewith so as to reduce its quality or strength.

Misbranding (labeled bags), Section 403 (a), the name "Cocoa" and the statement "Contents of this bag make 10 gallons of finished selected chocolate drink" were false and misleading as applied to the product; and, Section 403 (i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient. Misbranding (unlabeled bags), Section 403 (e) (1), the product was in package form and failed to bear a label containing the place of business of the manufacturer; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

DISPOSITION: May 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. The article was delivered to a Federal penitentiary for destruction by mixing with animal feed.

6453. Adulteration of chocolate liquor. U. S. v. 10 Cartons of Chocolate Liquor. Default decree of condemnation and destruction. (F. D. C. No. 11997. Sample No. 58738-F.)

LIBEL FILED: March 13, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about February 23, 1944, by the Clover Dairy Corporation, from Colmar Manor, Md.

PRODUCT: 10 cartons, each containing 5 10-pound bars, of chocolate liquor, at Washington, D. C.

LABEL, IN PART: (Cartons) "Wilbur-Suchard Chocolate Co., Inc., Phila., Pa., Lititz, Pa."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance in that it was contaminated with insects, larvae, insect fragments, and rodent hair fragments.

DISPOSITION: May 10, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SIRUPS AND SUGAR

6454. Adulteration and misbranding of cane sirup. U. S. v. 24 Cases of Cane Syrup. Default decree of condemnation and destruction. (F. D. C. No. 11633. Sample No. 57811-F.)

LIBEL FILED: January 18, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about October 13, 1943 by Oscar H. Kerr (Kerr Bros. Produce), from Sulphur Springs, Tex.

PRODUCT: 24 cases, each containing 6 8-pound, 8-fluid-ounce jars of cane sirup at Colorado Springs, Colo.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of mites.

Misbranding, Section 403 (a), the name "Ribbon Cane Syrup" on the label was false and misleading as applied to the article, which consisted of a mixture of ribbon cane sirup, sugar, and corn sirup; and, Section 403 (b), it was offered for sale under the name of another food.

DISPOSITION: March 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6455. Adulteration and misbranding of imitation maple sirup. U. S. v. 414 Cases and 393 Cases of Imitation Maple Syrup. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. No. 11819, 12852. Sample Nos. 30047-F, 30050-F, 55968-F, 55969-F, 64883-F.)

LIBELS FILED: March 18 and July 18, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about December 2, 1943, and January 22, 1944, by the Whitehall Food Manufacturing Corporation, from Brooklyn, N. Y., and Kingsland, N. J.

PRODUCT: 393 cases, each containing 12 quart bottles, and 414 cases, each containing 4 1-gallon jugs of imitation maple sirup at Seattle, Wash.

Examination showed that the product was fermented.

LABEL, IN PART: "Maison Royal Pancake [or "Imitation Maple"] Syrup."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (a), the statement on the labeling, "Made from pure cane sugar syrup," was false and misleading as applied to the article, which was a sugar and water solution, containing about 55 percent of sugar in one lot and 59 percent of sugar in the remaining lot, whereas the established standard for sugar sirup requires that it shall contain not less than 65 percent of sugar.

DISPOSITION: April 12 and September 13, 1944. The Whitehall Food Manufacturing Corp., claimant for one lot, and Ruben E. Lovgren, trading as Ferry Concessions, claimant for the remainder, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for segregation and relabeling of the fit portion under the supervision of the Food and Drug Administration.

6456. Adulteration of sugar. U. S. v. 91 Bags of Sugar. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11854. Sample No. 41440-F.)

LIBEL FILED: February 17, 1944, Southern District of Texas.

ALLEGED SHIPMENT: On or about November 15, 1943, from Reserve, La.

PRODUCT: 91 100-pound bags of sugar at Houston, Tex., in possession of the Quick Service Warehouse & Cold Storage Co.

The article had been stored under insanitary conditions after shipment. The bags were rodent-gnawed and contained urine stains. Examination of samples showed that the product was contaminated with rodent excreta, rodent hairs, and urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 14, 1944. The claimant having admitted that some portion of the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed and brought into compliance with the law under the supervision of the Food and Drug Administration. The sugar was melted and re-refined.

6457. Adulteration of cane sugar. U. S. v. 1,894 Bags of Sugar (and 3 other seizure actions against sugar.) Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 11813, 11945, 11982, 12039. Sample Nos. 61014-F, 61178-F, 61466-F, 61467-F.)

LIBELS FILED: Between February 14 and March 18, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: The article arrived at New Orleans, La., from on or about October 17 to 23, 1942, having been shipped from Havana, Cuba.

PRODUCT: 8,003 100-pound bags of cane sugar at New Orleans, La., in possession of the Douglas Shipline Storage Corp.

The sugar had been stored under unsanitary conditions after shipment. Examination of samples showed that the product contained rodent excreta, rodent urine, rodent hairs, insects, insect fragments, and larvae. In addition, some of the bags in one lot were water-damaged and contained dirty sugar.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 23, 1944. The cases having been consolidated and Olavarria & Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for re-refining under the supervision of the Food and Drug Administration.

MISCELLANEOUS SACCHARINE PRODUCTS

6458. Adulteration of caramel bonbon coating. U. S. v. 4,790 Pounds of Caramel Bon Bon Coating. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12023. Sample No. 40230-F.)

LIBEL FILED: March 16, 1944, Northern District of Iowa.

ALLEGED SHIPMENT: On or about May 7 and July 18, 1943, from Chicago, Ill.

PRODUCT: 4,790 pounds of caramel bonbon coating at Sioux City, Iowa, in possession of the Palmer Candy Co.

The article had been stored under insanitary conditions after shipment. The bags were rodent-gnawed; rodent excreta pellets were on the bags and on the floor; and the article was contaminated by rodent-gnawing, rodent excreta, urine, weevils, dirt, burlap, and paper fibers.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 14, 1944. The Palmer Candy Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was denatured with fish oil.

6459. Adulteration and misbranding of honey. U. S. v. 1,385 Cans of Honey. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12271. Sample No. 41456-F.)

LIBEL FILED: April 27, 1944, Southern District of Texas.

ALLEGED SHIPMENT: On or about November 8, 1943, from Mexico, by Raul Gonzalez.

PRODUCT: 1,385 55-pound cans of honey, at Houston, Tex.

LABEL, IN PART: "Bee Honey Filtered and Clarified."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), honey containing added sucrose or invert sugar had been substituted in whole or in part for "Bee Honey," which the article was represented to be; and, Section 402 (b) (4), sucrose or invert sugar had been added thereto or mixed or packed therewith so as to reduce its quality or strength.

Misbranding, Section 403 (a), the name "Bee Honey" was false and misleading as applied to an article which contained added sucrose or invert sugar; and, Section 403 (b), it was offered for sale under the name of another food.

DISPOSITION: May 29, 1944. The claimant having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that was contaminated with mold, Nos. 6460, 6461, and 6471; below the legal standard for milk fat content, Nos. 6461 to 6470, incl., and 6472; short-weight, Nos. 6471 to 6474, incl.

6460. Adulteration of butter. U. S. v. 25 Cases of Butter (and 6 other seizure actions against butter). Decrees of condemnation. Four lots ordered released under bond, 2 lots ordered sold to a chemical plant for industrial purposes, and the remaining lot ordered delivered to a charitable institution for salvage of the fats for use in the war effort. (F. D. C. Nos. 12391, 12803, 13137, 13143, 13144, 13153, 13160. Sample Nos. 61232-F, 61233-F, 67596-F, 67651-F, 67755-F, 67780-F, 68516-F, 80427-F.)

LIBELS FILED: Between May 2 and July 26, 1944, Southern District of Ohio, Eastern District of Illinois, Southern District of West Virginia, Middle District of Alabama, and Middle District of Tennessee.

ALLEGED SHIPMENT: From on or about April 21, 1944, to July 1, 1944, by the Armour Creameries, Louisville, Ky., Springfield, Mo., and Meridian, Miss.

PRODUCT: Butter: 114 cases at National Stock Yards, Ill., 15 cases at Huntington, W. Va., 79 cases at Montgomery, Ala., and 27 cases at Nashville, Tenn., each case containing 32 pounds; and 45 32-pound cases and 1 28-pound case, at Cincinnati, Ohio.

Examination of samples disclosed that the product contained mold.

LABEL, IN PART: "Armour's Cloverbloom Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: June 13 and July 3 and 25, 1944. Armour & Co., claimant for the lots at National Stock Yards, Montgomery, and Nashville, and one of the lots at Cincinnati, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond

to be converted into refined butter oil, under the supervision of the Food and Drug Administration. May 25, July 18, and August 30, 1944. No claimant having appeared in the other cases, judgments of condemnation were entered and 2 of the lots were ordered sold to a chemical plant to be used for purposes other than human consumption; and the remaining lot was ordered delivered to a charitable institution, for disposition as salvage fats for use in the war effort.

6461. Adulteration of butter. U. S. v. 27½ Cases of Butter (and 1 other seizure action against butter). Default decrees of condemnation. Portion of product ordered delivered to Government hospitals; remainder ordered sold for technical war purposes. (F. D. C. Nos. 11711, 12064. Sample Nos. 61105-F, 61526-F.)

LIBEL FILED: December 17, 1943, and March 6, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: From on or about November 24, 1943, to February 24, 1944, by the Denison Poultry & Egg Co., from Denison, Tex.

PRODUCT: 82½ 32-pound cases of butter at New Orleans, La.

Examination of samples disclosed that a portion of the product contained mold.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2) (both lots), a product containing less than 80 percent by weight of milk fat had been substituted for butter; and Section 402 (a) (3) (one lot), the article consisted in whole or in part of a filthy and decomposed substance.

DISPOSITION: February 28 and May 29, 1944. No claimant having appeared, judgments of condemnation were entered and one lot was ordered delivered to a Naval Hospital for consumption and not for sale. The remaining lot, which contained mold, was ordered sold to a rendering plant, to be used for war purposes.

6462. Adulteration of butter. U. S. v. Sugar Creek Creamery Co. Plea of nolo contendere. Fine, \$100 and costs. (F. D. C. No. 10643. Sample Nos. 41041-F, 41044-F, 41057-F, 41343-F, 41394-F, 41398-F.)

INFORMATION FILED: On January 19, 1944, in the Eastern District of Arkansas, against the Sugar Creek Creamery Co., a corporation, Russellville, Ark.

ALLEGED SHIPMENT: From on or about May 4 to June 30, 1943, from the State of Arkansas into the State of Louisiana.

LABEL IN PART: (Carton) "Sugar Creek Butter," "Velva Brand Creamery Butter Distributed by H. G. Hill Stores New Orleans, La.," "Cudahy's Sunlight Creamery Butter * * * The Cudahy Packing Co. Distributors," "Sugar Creek Quarters," "Sunlight Quarters," or "Velva Quarters."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: February 25, 1944. The defendant having entered a plea of nolo contendere, a fine of \$100 and costs was imposed.

6463. Adulteration of butter. U. S. v. 5 Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 12392. Sample No. 59477-F.)

LIBEL FILED: On or about April 21, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 29, 1944, by the Pella Produce Co., from Pella, Iowa.

PRODUCT: 5 32-pound cases of butter at Chicago, Ill.

LABEL IN PART: (Wrapper) "Cudahy's Sunlight Creamery Butter * * * The Cudahy Packing Co., Distributors, Chicago, Ill."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 23, 1944. The Cudahy Packing Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

6464. Adulteration of butter. U. S. v. 31 Boxes (approximately 1,984 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 12389. Sample No. 40046-F.)

LIBEL FILED: May 1, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about April 17, 1944, by the Crosby Creamery Co., Crosby, N. Dak.

PRODUCT: 31 boxes, each containing approximately 64 pounds, of butter at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 12, 1944. The Crosby Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

6465. Adulteration of butter. U. S. v. 17 Cubes (1,088 pounds) of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 12060. Sample No. 54309-F.)

LIBEL FILED: February 24, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about February 9, 1944, by the United Creamery Service, from Omaha, Nebr.

PRODUCT: 17 64-pound cubes of butter at Los Angeles, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 6, 1944. The Arden Farms Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

6466. Adulteration of butter. U. S. v. 28 Boxes (1,680 pounds) of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 12793. Sample Nos. 40399-F, 52489-F.)

LIBEL FILED: On or about May 18, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 2, 1944, by the Tri-State Cooperative Dairy Association, from Pipestone, Minn.

PRODUCT: 28 boxes, each containing 60 pounds, of butter at Somerville, Mass.

LABEL, IN PART: (Box) "Stockholm Co-op Creamery Cokato, Minn."; (wrapper) "Packed for First National Stores, Inc. Headquarters Somerville, Mass."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 31, 1944. The Pipestone Produce Co., Somerville, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

6467. Adulteration of butter. U. S. v. 37 Cartons (1,110 pounds) of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 12395. Sample Nos. 50361-F, 50373-F.)

LIBEL FILED: April 7, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 6, 1944, by the Leon Creamery Co., Leon, Iowa.

PRODUCT: 37 cartons, each containing 30 pounds, of butter at Steubenville, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 5, 1944. The Pure Milk Corporation, Steubenville, Ohio, having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

6468. Adulteration of butter. U. S. v. 34 Cartons (approximately 2,176 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 12789. Sample Nos. 40397-F, 82147-F.)

LIBEL FILED: May 15, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about April 29, 1944, by the Farmers Union Cooperative Creamery, from Portland, N. Dak.

PRODUCT: 34 cartons, each containing approximately 64 pounds, of butter, at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 29, 1944. The Farmers Union Cooperative Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

6469. Adulteration of butter. U. S. v. 689 Boxes (41,340 pounds) and 14 Prints of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12203. Sample No. 49946-F.)

LIBEL FILED: March 28, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about August 17, 1943, by the Dairy Products Marketing Association, from Youngstown, Ohio.

PRODUCT: 689 60-pound boxes and 14 1-pound prints of butter, at Buffalo, N. Y.

LABEL, IN PART: (Box) "The Isaly Dairy Co., Youngstown, O."; (wrapper) Isaly's Brand Butter Manufactured By the Isaly Dairy Co., Youngstown, Ohio."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 2, 1944. The Isaly Dairy Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

6470. Adulteration of butter. U. S. v. 20 Boxes and 19 Boxes (2,340 pounds) of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 12388. Sample No. 60423-F.)

LIBEL FILED: May 1, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about April 7, 1944, by the Golden State Co., Ltd., from Minneapolis, Minn.

PRODUCT: 39 60-pound boxes of butter, at San Francisco, Calif.

LABEL, IN PART: (Boxes) "Plato Dairy Ass'n Plato Minn."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 16, 1944. The Golden State Co., Ltd., Minneapolis, Minn., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of an employee of the Federal Security Agency.

6471. Adulteration and misbranding of butter. U. S. v. 19 Cases and 1 Case of Butter (and 2 other seizure actions against butter). Decrees of condemnation. One lot ordered released under bond, 1 lot ordered delivered to a charitable institution, and remainder ordered disposed of for war purposes. (F. D. C. Nos. 12796, 13146, 13875. Sample Nos. 67760-F, 67883-F, 68228-F.)

LIBELS FILED: Between May 6 and August 12, 1944, Eastern District of Kentucky.

ALLEGED SHIPMENT: From on or about May 4 to August 10, 1944, by the Merchants Creamery Co., Cincinnati, Ohio.

PRODUCT: Butter: 26 30-pound cases, 1 12-pound case, and 16 32-pound cases at Fort Thomas, Ky.

Examination of samples showed that a portion of the product contained mold, and that the remainder was short-weight.

LABEL, IN PART: (Cartons) "Jersey Farm Dairy, 1 lb. Net Wt., Creamery Butter, Distributed by Jersey Farm Dairy, Ft. Thomas, Ky."

VIOLATIONS CHARGED: Adulteration (2 lots), Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

Misbranding (1 lot), Section 403 (a) and Section 403 (e) (2), the cartons did not contain "1 Lb. Net Wt.," as labeled.

DISPOSITION: On May 29 and July 26, 1944, no claimant having appeared for the misbranded lot and one of the adulterated lots, judgments of condemnation were entered and the former was ordered delivered to a charitable institution and the latter was ordered disposed of for war purposes. On September 8, 1944, the Merchants Creamery Co., claimant for the remaining adulterated lot, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for rendering or refining into a product not intended for human consumption, under the supervision of the Food and Drug Administration.

6472. Adulteration and misbranding of butter. U. S. v. 20 Cases of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12795. Sample No. 59481-F.)

LIBEL FILED: April 27, 1944, Northern District of Indiana.

ALLEGED SHIPMENT: On or about April 3, 1944, by the C. W. Bush Co., Kankakee, Ill.

PRODUCT: 20 cases, each containing 50 1-pound prints, of butter at Hammond, Ind.

LABEL, IN PART: (Wrapper) "Delicious Brand * * * Churned by Kankakee Butter Co., Kankakee, Ill. One Pound Net."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (e) (2), the prints did not contain "One Pound Net," as labeled.

DISPOSITION: May 9, 1944. Charles W. Bush, trading as the C. W. Bush Co., Hammond, Ind., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked and brought into compliance with the law under the supervision of the Food and Drug Administration.

6473. Misbranding of butter. U. S. v. 32 Boxes, 31 Boxes, and 27 Boxes of Butter. Decree of condemnation. Product ordered released under bond to be repacked and relabeled. (F. D. C. No. 12061. Sample No. 39270-F.)

LIBEL FILED: January 17, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about December 31, 1943, by the Farmers Union Cooperative Creamery Co., from Fairbury, Nebr.

PRODUCT: 90 boxes, each containing 48 1-pound prints, of butter at Los Angeles, Calif.

LABEL, IN PART: (Print) "One Pound Net Clover Leaf Brand Creamery Butter Manufactured by Clover Leaf Dairies."

VIOLATION CHARGED: Misbranding, Section 403(a), the prints did not contain "One Pound Net," as labeled.

DISPOSITION: February 24, 1944. W. K. Wilson, trading as the Peerless Egg Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for repacking and relabeling under the supervision of the Food and Drug Administration.

6474. Misbranding of butter. U. S. v. 60 Cases of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11115. Sample Nos. 35535-F.)

LIBEL FILED: October 21, 1943, Western District of North Carolina.

ALLEGED SHIPMENT: On or about October 12, 1943, by the Cherokee Creamery, Inc., from Cedartown, Ga.

PRODUCT: 60 cases, each containing 30 1-pound cartons, of butter, at Charlotte, N. C.

LABEL, IN PART: (Cartons) "Cherokee Rose Process Butter 1 Pound Net."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements on the carton "1 Pound Net," and on the print wrapper, "Net Weight Not Less Than 4 Ozs.," were false and misleading as applied to the article, which was short-weight; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: November 22, 1943. The Cherokee Creamery, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was en-

tered and the product was ordered released under bond to be repacked and relabeled under the supervision of the Food and Drug Administration.

CHEESE AND MILK

6475. Adulteration of white Cheddar cheese. U. S. v. 61 Boxes of White Cheddar Cheese. Default decree of forfeiture. Product ordered sold for use other than human consumption. (F. D. C. No. 7953. Sample No. 7205-F.)

LIBEL FILED: July 21, 1942, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about June 22, 1942, by the Manchester Cheese Co., Manchester, Iowa.

PRODUCT: 61 boxes of white Cheddar cheese at Platteville, Wis.

Examination showed that the product contained rodent hair, human hair, insect fragments, and dirt particles.

LABEL, IN PART: (Box) "Iowa * * * White Cheddar."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On September 24, 1942, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed. On August 12, 1943, an amended decree was entered ordering that the product be sold for use other than human consumption.

6476. Adulteration of Cheddar cheese. U. S. v. 97 Cheddar Cheeses and 110 Cheddar Cheeses. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12104. Sample Nos. 72504-F, 72505-F.)

LIBEL FILED: March 30, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about February 12 and March 3, 1944, from Maben, Miss., and Hazleton, Iowa.

PRODUCT: 207 75-pound Cheddar cheeses at McKenzie, Tenn., in possession of the Southern Gold Cheese Co.

The product was stored under insanitary conditions after shipment. Examination of samples showed that the product contained rodent excreta, rodent hairs, and nondescript dirt.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 5, 1944. The Southern Gold Cheese Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be trimmed away and destroyed or rendered into grease for the war effort, under the supervision of an employee of the Federal Security Agency. On June 15, 1944, an amended decree was entered, ordering that the trimmings be denatured for use as hog feed, under the supervision of a representative of the Federal Security Agency.

6477. Adulteration of grated cheese. U. S. v. 7 Cases of Grated Cheese (and 7 other seizure actions against grated cheese). Default decrees of condemnation and destruction. (F. D. C. Nos. 11634, 11753, 11818, 11857, 11968, 12092, 12323, 12384, 12497. Sample Nos. 30371-F, 60504-F, 60511-F, 60512-F, 60518-F, 60519-F, 60541-F, 60611-F, 60612-F, 60624-F to 60626-F, incl., 67470-F.)

LIBELS FILED: Between January 12 and June 3, 1944, District of Nevada, Northern District of California, and Northern District of Ohio.

ALLEGED SHIPMENT: From on or about November 26, 1943, to April 8, 1944, by the Ehrat Cheese Co., from Chicago, Ill.

PRODUCT: Various cartons and cases containing the following amounts of grated cheese: 5,556 1½-ounce packages, 192 4-ounce packages, and 108 3-ounce packages at San Francisco, Calif.; 1,584 1½-ounce cans and 288 2-ounce cans at Reno, Nev.; 1,008 2-ounce cans and 1,152 1½-ounce cans at Sacramento, Calif.; 348 1½-ounce envelopes at Oakland, Calif.; and 576 1-pound cans at Cleveland, Ohio.

LABEL, IN PART: (Cans, envelopes, or cartons) "Riviera Imported Type Grated Italian Parmesan Cheese," "Riviera Brand Grated Parmesan Cheese," or "Circle

E Sharp Tasty Grated Italian Style [or "Mild Tasty Grated Whole Milk American"] Cheese."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following types of filth: Rodent hair fragments, rodent hairs, mites, insect fragments, insects, and worm fragments; and, Section 402 (a) (4), the Cleveland lot had been held (at the Ehrat Cheese Co.) under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: Between April 3 and June 16, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6478. Adulteration and misbranding of grated cheese. U. S. v. 11 Cases of Grated Cheese. Default decree of condemnation and destruction. (F. D. C. No. 12113. Sample No. 35353-F.)

LIBEL FILED: April 8, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about February 20, 1944, by H. W. Brown & Co., from Long Branch, N. J.

PRODUCT: 11 cases, each containing 12 boxes of 12 1½-ounce canisters each, of grated cheese at Tampa, Fla.

LABEL, IN PART: (Canister) "Famous Brand * * * Grated * * * Cheese * * * An All Cheese Product Wm. Faehndrich, Inc., New York, N. Y., "or "Famous Brand Cheese * * * 15% Added Milk Solids."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs; Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth; Section 402 (b) (2), grated cheese containing about 35 percent added "nonfat dry milk solids" or "defatted milk solids" (dried skim milk) had been substituted for "Grated Cheese An All Cheese Product," or "Grated Cheese 15% Added Milk Solids," which the article was represented to be; and, Section 402 (b) (4), "nonfat dry milk solids" or "defatted milk solids" had been added thereto or mixed and packed therewith so as to reduce its quality or strength.

Misbranding, Section 403 (a), the statements on the labeling of some canisters, "Grated * * * Cheese * * * An All Cheese Product," and on other canisters, "Grated * * * Cheese * * * 15% Added Milk Solids," were false and misleading as applied to the article; and, Section 403 (i) (2) (cans labeled "An All Cheese Product"), this portion of the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since the presence of "nonfat dry milk solids" or "defatted milk solids" was not declared.

DISPOSITION: May 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6479. Adulteration of Italian cheese. U. S. v. The Cudahy Packing Co. Plea of guilty. Fine \$2,000 and costs. (F. D. C. No. 10596. Sample Nos. 20195-F, 20406-F to 20410-F, incl.)

INFORMATION FILED: On November 18, 1943, in the Southern District of Ohio, against the Cudahy Packing Co., a corporation, Washington Court House, Ohio.

ALLEGED SHIPMENT: On or about January 27 and February 16, 1943, from the State of Ohio into the State of Rhode Island.

LABEL, IN PART: (Cases) "Cudahy's Rex Provoloncini [or "Piccolini," "Salami," "Salami Giganti," "Provolone"] Style Italian Cheese."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirt and mold, and rodent-gnawed and worm- and insect-eaten cheese; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 24, 1944. The defendant having entered a plea of guilty, a fine of \$2,000 and costs was imposed.

6480. Misbranding of Limburger cheese. U. S. v. 67 Cases of Limburger Cheese. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11159. Sample No. 38835-F.)

LIBEL FILED: November 24, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 11, 1943, by the Triangle Cheese Co., from Monroe, Wis.

PRODUCT: 67 cases, each containing 60 to 65 pounds, of Limburger cheese, at Chicago, Ill.

LABEL, IN PART: (Wrapper on individual cheese) "Hoffman's Hofco Brand Limburger Cheese The net weight of this package must be ascertained at time of sale. 1 ounce should be deducted for the weight of the necessary wrappers needed for the proper curing of limburger cheese. This is not a package cheese of guaranteed weight. * * * 1 Oz. tare weight to be deducted at time of sale * * * Dist. by J. S. Hoffman Company Chicago, Ill.—New York, N. Y."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 17, 1944. The J. S. Hoffman Co., Chicago, Ill., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

6481. Adulteration of process cheese. U. S. v. 18 Loaves and 22 Bundles of Process Cheese. Default decrees of condemnation and destruction. (F. D. C. Nos. 12178, 12179. Sample Nos. 76133-F, 76136-F.)

LIBELS FILED: On or about April 14 and 15, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about March 2, 1944, by the Sunette Cheese Corporation, from New York, N. Y.

PRODUCT: 22 bundles, each containing 6 5-pound loaves, and 19 5-pound loaves of process cheese at New Haven and Waterbury, Conn.

LABEL, IN PART: (Boxes) "Provolone-Type Process Cheese."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 13, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6482. Adulteration of dried skim milk. U. S. v. 1 Barrel of Dried Skim Milk. Default decree of condemnation and destruction. (F. D. C. No. 12233. Sample No. 33890-F.)

LIBEL FILED: April 20, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about July 12, 1943, by the New Paris Creamery Co., from New Paris, Ind.

PRODUCT: 1 200-pound barrel of dried skim milk at Akron, N. Y.

LABEL, IN PART: "Ward Milk Products Division Kraft Cheese Company."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance in that it was contaminated with rodent excreta, rodent hairs, and urine.

DISPOSITION: May 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was denatured and used for hog food.

EGGS AND EGG PRODUCTS

6483. Adulteration of spray-dried whole eggs. U. S. v. 4 Barrels of Spray-Dried Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 10756. Sample No. 38936-F.)

LIBEL FILED: October 26, 1943, Northern District of Indiana.

ALLEGED SHIPMENT: On or about August 11, 1943, by the National Egg Dryers, Inc., Cedarburg, Wis.

PRODUCT: 4 barrels of spray-dried whole eggs at Gary, Ind.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6484. Adulteration and misbranding of frozen eggs. U. S. v. Twin Rivers Co., Inc. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 11337. Sample No. 45373-F.)

INFORMATION FILED: On February 25, 1944, in the District of Nebraska, against the Twin Rivers Co., Inc., Grand Island, Nebr.

ALLEGED SHIPMENT: On or about May 27, 1943, from the State of Nebraska into the State of New York.

LABEL, IN PART: The product was unlabeled.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (e) (1), it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a statement of the quantity of the contents; and, Section 403 (g) (2), the article purported to be and was represented as frozen eggs, a food for which a definition and standard of identity has been prescribed by regulations, but it did not bear a label containing the name of the food specified in the definition and standard.

DISPOSITION: April 11, 1944. A plea of guilty having been entered, a fine of \$50 on each of 2 counts was imposed, with costs.

6485. Adulteration of shell eggs. U. S. v. 1,450 Cases of Shell Eggs (and 1 other seizure action against shell eggs). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 11926, 11928. Sample Nos. 76502-F to 76510-F, incl.)

LIBELS FILED: On or about February 29 and March 2, 1944, Southern District of New York and District of New Jersey.

ALLEGED SHIPMENT: From on or about July 28 to September 10, 1943, by Carl T. Ridenour, from St. Paris and Versailles, Ohio.

PRODUCT: Shell eggs: 1,450 cases at Bronx, N. Y., and 1,515 cases at Jersey City, N. J., each case containing 30 dozen eggs.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 16 and April 8, 1944. Carl T. Ridenour, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, or denatured and disposed of for technical and industrial purposes, under the supervision of the Food and Drug Administration.

6486. Adulteration of dried egg screenings. U. S. v. John C. Jensen, Francis B. Jensen, and Ernest J. Jensen (T. Jensen & Sons). Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 10600. Sample No. 9063-F.)

INFORMATION FILED: On December 29, 1943, in the District of Kansas, against John C. Jensen, Francis B. Jensen, and Ernest J. Jensen, trading as copartners under the firm name, T. Jensen & Sons, Chanute, Kans.

ALLEGED SHIPMENT: On or about April 15, 1943, from the State of Kansas into the State of Texas.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of moldy egg particles, insect fragments, cinder fragments, rodent hair fragments, rust, and lead fragments.

DISPOSITION: April 25, 1944. A plea of guilty having been entered by the defendants as a partnership, a fine of \$100 was imposed, with costs.

FISH AND SHELLFISH

6487. Adulteration of frozen ciscoes. U. S. v. 1,307 Cartons of Frozen Ciscoes (and 1 other seizure action against frozen ciscoes). Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 11749, 11771. Sample Nos. 48933-F, 67286-F, 67294-F.)

LIBELS FILED: February 3 and 11, 1944, Northern and Southern Districts of Ohio.

ALLEGED SHIPMENT: On or about January 5, 1944, by the Kroger Grocery and Baking Co., Duluth, Minn.

PRODUCT: 1,307 15-pound cartons of ciscoes at Cincinnati, Ohio, and 654 15-pound cartons at Toledo, Ohio.

LABEL IN PART: "Frospac Brand Ciscoes * * * Packed for B. A. Griffin Co., Inc., Milwaukee, Wis."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 11 and 27, 1944. The B. A. Griffin Co., Inc., claimant, having admitted the allegations in the libel, and the court having found that a portion of the product had been shipped by B. A. Griffin Co., Inc., judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

6488. Adulteration of frozen croakers. U. S. v. 90 Boxes of Croakers. Default decree of condemnation and destruction. (F. D. C. No. 10438. Sample Nos. 35175-F, 35180-F.)

LIBEL FILED: August 19, 1943, Northern District of Georgia.

ALLEGED SHIPMENTS On or about May 16, 1943, by Marshall Durbin & Co., from Birmingham, Ala.

PRODUCT: 90 Boxes, each containing 100 pounds, of frozen croakers at Atlanta, Ga.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: September 28, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6489. Adulteration of frozen eel pout fillets. U. S. v. 479 Cartons of Eel Pout Fillets. Default decree of condemnation and destruction. (F. D. C. No. 12223. Sample No. 79232-F.)

LIBEL FILED: April 19, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about March 28, 1944, by the Wamsutta Fillet Corporation, from New Bedford, Mass.

PRODUCT: 479 cartons, each containing 10 pounds, of frozen eel pout fillets at Washington, D. C.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitized and diseased fish; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: May 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by delivery to the Washington zoo, for use as animal feed.

6490. Adulteration of frozen eel pout fillets. U. S. v. 41 Boxes of Frozen Eel Pout Fillets. Default decree of condemnation and destruction. (F. D. C. No. 12210. Sample No. 76412-F.)

LIBEL FILED: April 19, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about March 12, 15, and 16, 1944, by the Whaling City Fisheries, New Bedford, Mass.

PRODUCT: 41 boxes, each containing 15 pounds, of frozen eel pout fillets at New York, N. Y.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitized and diseased fish; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: May 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6491. Adulteration and misbranding of frozen eel pout fillets. U. S. v. 100 Cartons of Frozen Eel Pout Fillets. Default decree of condemnation and destruction. (F. D. C. No. 11995. Sample No. 65960-F.)

LIBEL FILED: March 13, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about January 20 and 23, 1944, by Frank Raymond, Provincetown, Mass, and Frank Maria and Ralph Minucci, New London, Conn.

PRODUCT: 100 cartons, each containing 20 pounds, of frozen eel pout fillets at New York, N. Y.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the

presence of fish infested with parasites, and decomposed fish; and, Section 402 (a) (5), it was in whole or in part the product of diseased fish.

Misbranding, Section 403 (e) (1), the article was in package form and failed to bear a label containing the name and place of business of the packer or distributor; and Section 403 (i) (1), its label failed to bear the common or usual name of the food.

DISPOSITION: March 29, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6492. Adulteration and misbranding of frozen eel pout fillets. U. S. v. 9 Boxes, 2 Boxes, and 25 Cans of Frozen Eel Pout Fillets, Default decrees of condemnation and destruction. (F. D. C. Nos. 12283, 12303. Sample Nos. 76415-F, 76416-F.)

LIBELS FILED: May 2 and 3, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about January 26 and March 1, 1944, by the Quincy Fish Co., Harrison, N. J.

PRODUCT: 9 15-pound boxes, 2 17-pound boxes, and 26 20-pound cans of frozen eel pout fillets at New York, N. Y.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance in that it contained parasitized fish; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

Misbranding, Section 403 (e) (1), it was a food in package form and failed to bear a label containing the name and place of business of the packer or distributor; and, Section 403 (i) (1), it failed to bear the common or usual name of the food.

DISPOSITION: May 18 and 24, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6493. Adulteration of salt mackerel. U. S. v. 7 Tubs of Mackerel. Default decree of condemnation and destruction. (F. D. C. No. 11949. Sample Nos. 62923-F, 62924-F.)

LIBEL FILED: On or about March 4, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 16, 1944, by Covington Bros. & Co., from Mayfield, Ky.

PRODUCT: 7 tubs, each containing approximately 30 pounds, of salt mackerel at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 30, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6494. Adulteration of frozen kingfish, frozen smelt, frozen sole, and frozen mackerel. U. S. v. 190 Boxes of Frozen Kingfish and 506 Boxes of Frozen Sole (and 1 other seizure action against frozen smelt and frozen mackerel). Default decree condemning the smelt and mackerel and ordering them sold to a rendering plant; portion of sole ordered delivered to claimant; remainder of sole and the kingfish ordered released under bond. (F. D. C. Nos. 11499, 11533. Sample Nos. 57933-F, 57934-F, 57938-F, 57939-F.)

LIBELS FILED: December 30 and 31, 1943, District of Colorado.

ALLEGED SHIPMENT: On or about October 8 and November 23, 1943, by the Meredith Fish Co., from Sacramento, Calif.

PRODUCT: 190 boxes, each containing 20 pounds, of frozen kingfish and 506 boxes, each containing 20 pounds of frozen sole; 985 boxes, each containing 20 pounds, of frozen smelt, and 95 cases, each containing 20 pounds, of frozen mackerel at Denver, Colo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances.

DISPOSITION: March 17 and 29, 1944. No claimant having appeared for the frozen smelt and mackerel, judgment of condemnation was entered and the products were ordered sold to a rendering company for extraction of the oil for use in the manufacture of soap. The Meredith Fish Co., claimant for the kingfish and sole, having admitted the allegations of the libel with respect to the kingfish and a portion of the sole, and the court having found that the said portion of the sole was not adulterated as alleged by the claimant, judgment

was entered ordering the release of the good portion, and also ordering the release of the remainder of the sole and the kingfish under bond, to be brought into compliance with the law under the supervision of the Food and Drug Administration. This unfit portion was subsequently delivered to a rendering plant for extraction of the oil.

6495. Adulteration of frozen mullet fillets. U. S. v. 80 Boxes (2,000 pounds) and 1,000 Pounds of Mullet Fillets. Default decrees of condemnation. Product ordered sold to rendering company. (F. D. C. Nos. 12094, 12095. Sample Nos. 57993-F, 57995-F.)

LIBEL FILED: March 27, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about January 21, 1944, by the Western Refrigerating Co., from Chicago, Ill.

PRODUCT: 80 boxes, each containing 25 pounds, and 1,000 pounds of frozen mullet fillets at Denver, Colo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 10 and June 16, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered sold to a rendering company for extraction of the oil and its use in the manufacture of soap.

6496. Adulteration of frozen ocean pout fillets. U. S. v. 66 Cartons and 215 Cartons of Ocean Pout Fillets. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 12221, 12222. Sample Nos. 76924-F, 76925-F, 77501-F.)

LIBEL FILED: April 22, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about February 15, 1944, of a portion of the product by the Booth Fisheries Corporation, and on or about March 9, 1944, of the remainder by Boston Finast Frosted Food, from Boston, Mass.

PRODUCT: Frozen ocean pout fillets: 215 cartons at Asbury Park, N. J., and 66 cartons at Newark, N. J., each carton containing 4 5-pound packages.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitized and diseased fish; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: May 23, 1944. The cases were consolidated. The Booth Fisheries Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, or denatured for use as fertilizer, under the supervision of the Food and Drug Administration.

6497. Adulteration of fresh ocean perch fillets. U. S. v. Busalacchi Bros. Plea of guilty. Fine, \$100. (F. D. C. No. 11338. Sample No. 38267-F.)

INFORMATION FILED: On March 6, 1944, in the District of Massachusetts, against Busalacchi Bros., a corporation, of Boston, Mass.

ALLEGED SHIPMENT: On or about April 2, 1943, from the State of Massachusetts into the State of Illinois.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasites, i. e., copepods.

DISPOSITION: March 28, 1944. The defendant having entered a plea of guilty, a fine of \$100 was imposed.

6498. Adulteration of frozen rosefish. U. S. v. 561 Boxes of Frozen Rosefish. Decree entered ordering portion of product delivered to claimant; remainder released under bond. (F. D. C. No. 11535. Sample No. 57935-F.)

LIBEL FILED: December 31, 1943, District of Columbia.

ALLEGED SHIPMENT: On or about September 21, 1943, by Gorton-Pew Fisheries Co., Ltd., Gloucester, Mass.

PRODUCT: 561 boxes, each containing 10 pounds, of frozen rosefish at Denver, Colo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 17, 1944. The Gorton-Pew Fisheries Co., Ltd., having appeared as claimant, and the court having found, in accordance with the representations in the claimant's answer, that the allegations of the libel were true with respect to a portion but not true with respect to the remainder of the product, judgment was entered ordering the release of the good portion and further ordering the marshal to deliver the remainder to the claimant, under bond, to be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit fish were segregated and destroyed.

SHELLFISH

6499. Adulteration of canned oysters. U. S. v. 129 Cases and 44 Cases of Oysters. Decrees of condemnation. One lot ordered released under bond for segregation of the fit portion; portion of other lot ordered released, and remainder of that lot ordered destroyed. (F. D. C. Nos. 10958, 11122. Sample Nos. 12570-F, 36463-F.)

LIBELS FILED: On or about October 20, 1943, Western District of Washington; and on November 15, 1943, District of Colorado..

ALLEGED SHIPMENT: On or about March 29 and May 24, 1943, by the Pelican Lake Oyster & Packing Co., Ltd., from Houma, La.

PRODUCT: 44 cases, at Tacoma, Wash. and 129 cases at Denver, Colo., each case containing 48 cans of oysters.

LABEL, IN PART: "Pel-La-Co Brand Oysters."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 27, 1944. The Pelican Lake Oyster & Packing Co., Ltd., having appeared as claimant for the lot at Tacoma, and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion, under the supervision of the Food and Drug Administration.

On January 18, 1944, no claimant having appeared for the lot at Denver, judgment of condemnation was entered and that lot was ordered destroyed. An amended decree was entered on January 20, 1944, ordering the segregation and destruction of the unfit portion of such lot, and sale of the fit portion to the highest bidder. On March 7, 1944, the Pelican Lake Oyster & Packing Co. having appeared as claimant for that lot, an amended decree was entered which rescinded the previous decrees and ordered the release of the un-aulterated portion to the claimant upon payment of costs, and which condemned the remaining portion and ordered its destruction.

6500. Adulteration of frozen oysters. U. S. v. 663 Cans and 28 Cans of Frozen Oysters. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11704. Sample No. 60366-F.)

LIBEL FILED: January 24, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about December 9, 1943, by Atlas Foods, from Weehawken, N. J.

PRODUCT: 691 1-gallon cans of frozen oysters at San Francisco, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of flakes of paint.

DISPOSITION: April 5, 1944. A Paladini, Inc., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

6501. Adulteration of frozen shrimp. U. S. v. 66 Bags of Fresh Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 11776. Sample No. 65951-F.)

LIBEL FILED: February 14, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about August 9, 1943, by the Independent Shrimp Co., Mayport, Fla.

PRODUCT: 66 10-pound bags of frozen shrimp at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6502. Adulteration of frozen shrimp. U. S. v. 30 Bags of Fresh Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 11917. Sample No. 65957-F.)

LIBEL FILED: On or about March 2, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about July 3, 1943, by Louis G. Ambrose, Thunderbolt, Ga.; by the Independent Shrimp Co., Mayport, Fla.; and by the S & J Sea Food Co., Fernandina, Fla.

PRODUCT: 30 bags, each containing 10 pounds, of frozen shrimp at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6503. Adulteration of frozen shrimp. U. S. v. 26 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 11773. Sample No. 65952-F.)

LIBEL FILED: February 14, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about August 10, 1943, by the Louisiana Blue Crab Distributors, Westwego, La.

PRODUCT: 26 10-pound bags of frozen shrimp at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6504. Adulteration of frozen shrimp. U. S. v. 94 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 11814. Sample No. 65954-F.)

LIBEL FILED: On or about February 17, 1944, Southern District of New York.

ALLEGED SHIPMENT: By the King Fish Co., Brunswick, Ga., and other (unknown) shippers.

PRODUCT: 94 10-pound bags of frozen shrimp at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6505. Adulteration of frozen shrimp. U. S. v. 7 Boxes of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 12216. Sample No. 76413-F.)

LIBEL FILED: April 20, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about March 29, 1944, by R. R. Barbour, Morehead City, N. C.

PRODUCT: 7 boxes, each containing 100 pounds, of frozen shrimp at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES

FRUIT AND FRUIT PRODUCTS*

6506. Misbranding of canned cherries. U. S. v. 324 Cases and 147 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 11578, 11729. Sample Nos. 55316-F, 64936-F.)

LIBELS FILED: On or about January 11 and February 3, 1944, District of Idaho and Western District of Washington.

ALLEGED SHIPMENT: On or about October 12 and December 3, 1943, by the Royal Canning Corporation, from Ogden, Utah.

PRODUCT: 324 cases at Tacoma, Wash., and 147 cases, at Boise, Idaho, each case containing 24 1-pound, 13-ounce cans of cherries.

*See also Nos. 6404, 6405, 6414, and 6587.

LABEL, IN PART: (Cans) "Royal Brand * * * Dark Sweet Pitted Cherries," or "Little Boy Blue Light Sweet Pitted Cherries in Medium Syrup."

VIOLATIONS CHARGED: Misbranding (both lots), Section 403 (a) (1), the article purported to be and was represented as pitted canned cherries, a food for which a standard of quality has been prescribed by regulations, but its quality fell below the standard since more than 1 pit was present to each 20 ounces of the article, and its label failed to bear, as the regulations specify, a statement that it fell below the standard; (Boise lot) Section 403 (g) (2), the article purported to be and was represented as canned cherries, a food for which a definition and standard of identity has been prescribed by regulations, but its label failed to bear the name of the optional packing medium, since the article was labeled as being packed "in Medium Syrup," whereas a portion was packed in heavy sirup and the remainder in extra heavy sirup; Section 403 (a), the statement "Light Sweet * * * Cherries," which appeared on the label of the article, was false and misleading as applied to a portion of the product, which contained dark sweet cherries; and (Tacoma lot) the statement "Pitted Cherries" was false and misleading as applied to the portion of the product which was unpitted.

DISPOSITION: April 12 and 28, 1944. The Royal Canning Corporation, claimant, having consented to the entry of a decree, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6507. Misbranding of canned cherries. U. S. v. 31 Cases of Canned Cherries. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11700. Sample No. 57946-F.)

LIBEL FILED: February 11, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about December 2, 1943, by the Starr Fruit Products Co., from Portland, Oreg.

PRODUCT: 31 cases, each containing 24 1-pound, 14-ounce cans, of cherries at Denver, Colorado.

LABEL, IN PART: (Cans) "Starr Brand * * * Dark Sweet Black Cherries."

VIOLATION CHARGED: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned cherries, a food for which a definition and standard of identity has been prescribed by regulations, but its label failed to bear, as prescribed by the regulations, the name of the optional packing medium present in the food.

DISPOSITION: April 11, 1944. The McDonald, Andrews Co., Portland, Oreg., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. *

6508. Adulteration of figs. U. S. v. 15 Bags of Figs. Decree ordering product destroyed. (F. D. C. No. 11919. Sample No. 50266-F.)

LIBEL FILED: February 29, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 22, 1941, by the Harborside Warehouse, from Jersey City, N. J.

PRODUCT: 15 bags, each containing approximately 30 pounds, of figs at Pittsburgh, Pa.

Examination showed that the product was moldy and fermented.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 2, 1944. The consignee having consented to the entry of a decree, an order for the immediate destruction of the product was issued.

6509. Misbranding of canned peaches. U. S. v. 750 Cases and 199 Cases of Canned Peaches. Decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 11699, 11948. Sample Nos. 60263-F, 70406-F.)

LIBELS FILED: On or about February 3 and March 6, 1944, District of Oregon and Western District of New York.

ALLEGED SHIPMENT: From on or about November 20, 1943, to February 12, 1944, by the Hunt Brothers Packing Co., Hayward, Calif., and Puyallup, Wash.

PRODUCT: 199 cases at Buffalo, N. Y., and 750 cases at Portland, Oreg., each case containing 24 cans of peaches.

LABEL, IN PART: (Cans) "Val Vita Brand Sliced Yellow Cling Peaches In Light Syrup * * * [or "Halves Yellow Freestone Peaches in Extra Heavy Syrup"] * * * Packed For Val Vita Food Co. * * * San Francisco California."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), (lot at Buffalo) the statements on the label, "Sliced Yellow Cling Peaches," and "In Light Syrup," were false and misleading as applied to the article since it contained, in some cans, peach halves packed in heavy sirup; and other cans contained slightly sweetened water as a packing medium; (Portland lot) Section 403 (a), the statement on the label, "in Extra Heavy Syrup," was false and misleading as applied to the article since it was packed in heavy sirup; and, Section 403 (h) (1), the article purported to be and was represented as a food for which a standard of quality has been prescribed by regulations promulgated pursuant to law, but it fell below the standard, since all units of the peach halves were not untrimmed or so trimmed as to preserve normal shape, and the label of the article failed to bear the substandard legend, as required by regulations.

DISPOSITION: February 16 and April 10, 1944. The Hunt Brothers Packing Co. having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6510. Misbranding of canned peaches. U. S. v. 146 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11965. Sample No. 62438-F.)

LIBEL FILED: March 6, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 7, 1943, by the Mor-Pak Preserving Corporation, from Stockton, Calif.

PRODUCT: 146 cases, each containing 24 1-pound, 14-ounce cans of peaches at St. Louis, Mo.

The product was shipped unlabeled.

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (1), the article was food in package form and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and Section 403 (g) (2), the article failed to bear a label, as required by the definition and standard of identity for canned peaches, containing the name of the optional peach ingredient and a designation of the optional liquid packing medium.

DISPOSITION: March 21, 1944. The General Grocer Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6511. Adulteration of frozen peaches. U. S. v. 100 Barrels of Peaches (and 6 other seizure actions against frozen peaches). Portions of product ordered released under bond to be used in wine making; remainder ordered destroyed. (F. D. C. Nos. 10925, 10926, 10975, 11030, 11109, 11162, 11322. Sample Nos. 28069-F, 35464-F, 35723-F, 48234-F to 48236-F, incl., 56903-F, 57464-F, 58416-F.)

LIBELS FILED: Between October 8 and December 16, 1943, Northern District of Georgia, District of New Jersey, Northern District of Ohio, and District of Columbia.

ALLEGED SHIPMENT: From on or about July 8 to August 28, 1943, from Chattanooga, Cleveland, Knoxville, and Nashville, Tenn., by the Chickamauga Producers, Inc.

PRODUCT: Peaches: 295 barrels at Atlanta, Ga., 193 barrels at Jersey City, N. J., 190 barrels at Cleveland, Ohio, and 64 barrels at Washington, D. C.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of peaches which were in various stages of fermentation; one portion also consisted in whole or in part of a filthy substance by reason of the presence of wormy peaches.

DISPOSITION: Between November 27, 1943, and February 14, 1944, the following claimants appeared: Swift & Co., for 100 barrels at Atlanta, Ga.; Southern Dairies, Inc., for 107 barrels at Atlanta, Ga.; Acme Pie Co., Cleveland, Ohio; G. W. Bagwell, Chattanooga, Tenn., and Chickamauga Producers Inc., Cleve-

land, Tenn., for the 88 barrels at Atlanta, Ga.; Flint & Fulton, Inc., trading as Monmouth Products Co. for the 193 barrels at Jersey City; and Southland Products Co., for the 190 barrels at Cleveland, Ohio. Judgments of condemnation were entered and product was ordered released under bond on condition that it be used in wine making. No claimant having appeared for the peaches at Washington, D. C., judgment of condemnation was entered on December 6, 1943, and the product was ordered destroyed.

6512. Adulteration of canned prune plums. U. S. v. 176 Cases of Canned Prune Plums. Default decree. Product ordered used for hog feed. (F. D. C. No. 11983. Sample No. 36713-F.)

LIBEL FILED: March 31, 1944, District of Utah.

ALLEGED SHIPMENT: On or about December 29, 1943, by the Silverton Canning Co., from Silverton, Oreg.

PRODUCT: 176 cases, each containing 24 1-pound, 14-ounce cans, of prune plums at Salt Lake City, Utah.

LABEL IN PART: (Cans) "Silco Brand Prune Plums."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance, due to brown rot.

DISPOSITION: May 27, 1944. No claimant having appeared, judgment was entered ordering that the product be disposed of as hog feed.

6513. Misbranding of jellies. U. S. v. 408 Cases of Jellies. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11645. Sample No. 30213-F.)

LIBEL FILED: January 18, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about December 31, 1943, by the H. G. F. Corporation, San Francisco, Calif.

PRODUCT: 408 cases, each containing 12 jars, of jelly at Amarillo, Tex.

LABEL, IN PART: (Jars) "Remember Brand Pure Apple [or "Raspberry," "Blackberry," "Loganberry," or "Currant"] Jelly 2 Lbs. Net Robert Aspinall Co. Distributors San Francisco, Calif."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the names "Pure Apple Jelly," "Pure Raspberry Jelly," "Pure Blackberry Jelly," "Pure Loganberry Jelly," and "Pure Currant Jelly" were false and misleading as applied to the articles, which failed to conform to the definitions and standards of identity prescribed by the regulations, since the respective articles were deficient in fruit juices; and, Section 403 (g) (1), they failed to conform to the definitions and standards since they contained less than 45 parts by weight of the applicable fruit juice ingredient (as determined by the method prescribed in the regulations) to each 55 parts by weight of the saccharine ingredient contained in the articles.

DISPOSITION: April 20, 1944. Albert De Franco and M. D. Stearns, trading as the A. D. S. Food Products Co., having appeared as claimants, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6514. Misbranding of jellies and preserves. U. S. v. 32 Cases of Peach Preserves, 12 Cases of Blackberry Jelly, 16 Cases of Youngberry Jelly, 16 Cases of Red Raspberry Jelly, and 19 Cases of Blackcap Raspberry Jelly. Default decree of condemnation. Products ordered delivered to charitable institutions. (F. D. C. No. 11754. Sample Nos. 53836-F to 53840-F, incl.)

LIBEL FILED: February 9, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about November 30, 1943, by Dixie Preserves, Ltd., Los Angeles, Calif.

PRODUCT: 32 cases, each containing 12 2-pound jars, of peach preserves, and 63 cases, each containing 12 1-pound jars, of the afore-mentioned jellies at Tucson, Ariz.

LABEL, IN PART: (Jars) "Dixie Brand."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), products deficient in fruit and fruit juices had been substituted in whole or in part for peach preserves and blackberry, youngberry, red raspberry and blackcap raspberry jellies.

Misbranding, Section 403 (a), the names of the articles, "Pure Preserves Peach," "Pure Jelly Blackberry," "Pure Jelly Youngberry," "Pure Jelly Red Raspberry," and "Pure Jelly Black Cap Raspberry," were false and misleading; and, Section 403 (g) (1), the articles purported to be and were represented as foods for which definitions and standards of identity have been prescribed by the regulations, but they failed to conform to the definitions and standards since the articles were made from mixtures (preserves) of less than 45 parts by weight of fruit, and (jellies) of less than 45 parts by weight of the applicable fruit juice ingredient, to each 55 parts by weight of one of the saccharine ingredients specified in the definitions and standards.

DISPOSITION: April 3, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed. On May 1, 1944, an amended decree was entered, ordering the delivery of the products to a charitable institution.

6515. Misbranding of orange marmalade. U. S. v. 15 Cases of Orange Marmalade. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 12073. Sample No. 63214-F.)

LIBEL FILED: March 28, 1944, Western District of South Carolina.

ALLEGED SHIPMENT: On or about February 14, 1944, by the Howard Preserving Co., Inc., from Miami, Fla.

PRODUCT: 15 cases, each containing 24 jars, of orange marmalade at Union, S. C.

LABEL, IN PART: (JARS) "Ives Brand Florida Orange Marmalade * * * Net Weight 1 Lb."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Net Weight 1 Lb." was false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

6516. Misbranding of fruit spreads. U. S. v. 64 Cases of Fruit Spread. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11883. Sample Nos. 59524-F to 59527-F, incl.)

LIBEL, FILED: February 23, 1944, Eastern District of Michigan. Libel amended on March 8, 1944, to cover seizure of additional shipments.

ALLEGED SHIPMENT: From on or about June 4 to September 14, 1943, by Woodford Products, Inc., Chicago, Ill.

PRODUCT: 92 cases, each containing 24 jars, of apricot spread; 97 cases, each containing 24 jars, of peach spread; 93 cases, each containing 24 jars, of fig spread; 97 cases, each containing 24 jars, of date spread; 131 cases, each containing 24 jars, of pear spread; and 13 cases, each containing 24 jars, of raisin spread, at Detroit, Mich.

LABEL, IN PART: (JARS) "Woodford's Tropical Honey Guaranteed Pure Honey Apricot [or "Date," "Pear," "Fig," "Raisin," or "Peach"] Spread," or "Woodford's Tropical Honey Guaranteed Pure Guatemala Honey Fig Spread."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements "Tropical Honey * * * Pure Honey," and "Tropical Honey * * * Pure Guatemala Honey," on the labeling of the articles were false and misleading, as applied to the articles, which were mixtures of honey and comminuted dried fruits; Section 403 (c), the articles were imitations of another food, preserves, and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and, Section 403 (i) (2), they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each such ingredient.

DISPOSITION: March 11, 1944. The Woodford Products, Inc., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

VEGETABLES*

6517. Adulteration of pickled beets. U. S. v. 14 Cases of Pickled Beets. Default decree of condemnation and destruction. (F. D. C. No. 10861. Sample No 39778-F.)

LIBEL FILED: On or about October 15, 1943, District of Arizona.

ALLEGED SHIPMENT: On or about August 9, 1943, by Haas-Baruch & Co., Inc., Los Angeles, Calif.

PRODUCT: 14 cases, each containing 12 2-pound jars, of pickled beets at Phoenix, Ariz.

LABEL, IN PART: (Jars) "Our Best Pickled Beets * * * Packed by B. H. McEachen Huntington Park, Calif."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 24, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6518. Adulteration of frozen brussels sprouts. U. S. v. 1,174 Cartons of Brussels Sprouts (and 2 other seizure actions against brussels sprouts). Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 12118, 12254. Sample Nos. 49952-F, 49966-F to 49998-F, incl.)

LIBELS FILED: March 31 and April 24, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about November 24, 1943, and January 14, 1944, by P. Knudsen Frozen Foods, from Mountain View, Calif.

PRODUCT: Brussels sprouts: 1,174 cartons, each containing 28 pounds; 220 cases, each containing 24 2-pound packages; and 1,008 cases, each containing 12 2-pound packages, at Buffalo, N. Y.

LABEL, IN PART: "Alliance Brand [or "Fairmonts"] * * * Fairmont Creamery Co. * * * Omaha, Nebraska," or "Mountain View Brand".

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of aphids and thrips.

DISPOSITION: April 20 and May 16, 1944. The Fairmont Creamery Co. of New York, Buffalo, N. Y., having admitted that some of the product contained aphids and thrips, judgments of condemnation were entered and the product was ordered released under bond for sorting, under the supervision of the Food and Drug Administration, in order to eliminate all unfit material.

6519. Adulteration of canned corn. U. S. v. 1,600 Cases of Whole Kernel Corn. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12181. Sample No. 72701-F.)

LIBEL FILED: April 12, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 1, 1944, by Lansing B. Warner, Inc., from Penn Yan, N. Y.

PRODUCT: 1,600 cases, each containing 24 unlabeled 12-ounce cans, of whole kernel corn at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 3, 1944. Lansing B. Warner, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

Nos. 6520 to 6527 report actions involving peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality fell below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard; and the labels failed to bear, in the manner and form that the regulations specify, a statement that the products fell below the standard. In addition, the peas reported in No. 6520 bore false and misleading label statements and contained an excessive proportion of ruptured peas; and the peas reported in No. 6524 failed to meet the standard for tenderness.

*See also Nos. 6435 and 6600.

6520. Misbranding of canned peas and canned tomatoes. U. S. v. The H. J. McGrath Co. Plea of guilty. Fine, \$125 and costs. (F. D. C. No. 11375. Sample Nos. 36955-F, 46348-F, 46393-F, 53185-F, 53409-F, 53433-F.)

INFORMATION FILED: On March 31, 1944, in the District of Maryland, against the H. J. McGrath Co., a corporation, Baltimore, Md.

ALLEGED SHIPMENT: From on or about August 10, 1942, to August 21, 1943, from the State of Maryland into the States of Virginia, West Virginia, and North Carolina.

LABEL, IN PART: "Sword Early June Peas * * * Distributed By Household Products Co., General Offices, Chicago, U. S. A.," or "Champion Brand * * * McGrath's Tomatoes."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), in addition to the high alcohol-insoluble solids content of all the peas, a portion of the peas were below standard because of the high percentage of ruptured peas in the container; the canned tomatoes were substandard because of low drained weight, i. e., excessive liquid and small particles in proportion to large pieces of tomatoes, and because of an excessive amount of peel; the products were not labeled as being substandard; and, Section 403 (a), the statements on the label of the peas, "Sword foods are full flavored and fresh, conforming to the United States Government regulations for standard grade merchandise," and the design consisting of green peas, green pods, and green leaves, all in the succulent stage, were false and misleading as applied to the product, which was substandard and consisted of peas that had reached the stage of maturity beyond the succulent stage.

DISPOSITION: May 25, 1944. A plea of guilty having been entered, the defendant was fined \$25 on each of 5 counts, a total of \$125, with costs.

6521. Misbranding of canned peas. U. S. v. 144 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 11325. Sample No. 46400-F.)

LABEL FILED: December 16, 1943, District of Columbia.

ALLEGED SHIPMENT: On or about October 14, 1943, by the Greenmount Canning Co., from Greenmount, Md.

PRODUCT: 144 cases, each containing 24 1-pound, 4-ounce cans, of peas at Washington, D. C.

LABEL, IN PART: (Cans) "Happy Meal Brand * * * Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: April 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to local charitable institutions.

6522. Misbranding of canned peas. U. S. v. 428 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 11255. Sample No. 57808-F.)

LABEL FILED: December 10, 1943, District of Colorado.

ALLEGED SHIPMENT: On or about August 11, 1943, by the Kaysville Canning Corporation, from Kaysville, Utah.

PRODUCT: 428 cases, each containing 24 cans, of peas at Pueblo, Colo.

LABEL, IN PART: (Cans) "Western Girl Brand June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: March 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

6523. Misbranding of canned peas. U. S. v. 576 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11050. Sample No. 38467-F.)

LABEL FILED: November 5, 1943, Northern District of Indiana.

ALLEGED SHIPMENT: On or about August 13 and September 7, 1943, by the W. R. Roach Co., Owosso, Mich.

PRODUCT: 576 cases, each containing 24 cans, of peas at South Bend, Ind.

LABEL, IN PART: "Junior Brand Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: March 1, 1944. The W. R. Roach Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6524. Misbranding of canned peas. U. S. v. 1,443 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12171. Sample Nos. 58826-F, 58832-F to 58834-F, incl.)

LIBEL FILED: April 12, 1944, District of Maryland.

ALLEGED SHIPMENT: On or about December 29, 1943, by the McMillan Canning Co., from Anacortes, Wash.

PRODUCT: 1,443 cases, each containing 24 1-pound, 4-ounce cans, of peas at Baltimore, Md.

LABEL, IN PART: (Cans) "Dykeland Brand Sweet Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), in addition to the high alcohol-insoluble solids content, these peas were below standard because of the high percentage of peas that were not tender.

DISPOSITION: May 2, 1944. The McMillan Canning Co., Inc., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6525. Misbranding of canned peas. U. S. v. 403 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12079. Sample No. 40351-F.)

LIBEL FILED: March 25, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about July 17, 1943, by the Lange Canning Corporation, from Eau Claire, Wis.

PRODUCT: 403 cases, each containing 24 1-pound, 4-ounce cans, of peas at Minneapolis, Minn.

LABEL, IN PART: (Cans) "Nation's Garden Brand * * * Early June Peas * * * Packed For Fine Foods, Inc. Minneapolis, Minn. Seattle, Wash."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: May 20, 1944. The Lange Canning Corporation, claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6526. Misbranding of canned peas. U. S. v. 400 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12293. Sample No. 80044-F.)

LIBEL FILED: April 29, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 1, 1943, by the Oostburg Canning Co., from Oostburg, Wis.

PRODUCT: 400 cases, each containing 24 1-pound, 4-ounce cans, of peas at St. Louis, Mo.

LABEL, IN PART: (Cans) "From the Heart of Dairyland Wisconsin Large Early June Peas"

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: May 23, 1944. The Oostburg Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6527. Misbranding of canned peas. U. S. v. 309 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12010. Sample No. 40342-F.)

LIBEL FILED: March 15, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about November 27, 1943, by the Durand Canning Co., from Durand, Wis.

PRODUCT: 309 cases, each containing 24 1-pound, 4-ounce cans, of peas at Minneapolis, Minn.

LABEL, IN PART: (Cans) "Our Value Brand * * * Early June Peas Distributed by Kitchen Products Inc., Chicago, Ill."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: May 5, 1944. The Durand Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6528. Adulteration of red peppers. U. S. v. 160 Bags of Peppers. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11958. Sample No. 58930-F.)

LIBEL FILED: March 3, 1944, District of Maryland.

ALLEGED SHIPMENT: On or about January 25, 1944, by the Carolina Pepper Association, from Florence, S. C.

PRODUCT: 160 bags, each containing approximately 100 pounds, of peppers at Baltimore, Md.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of rodent excreta and moldy peppers.

DISPOSITION: May 29, 1944. McCormick & Co., Inc., Baltimore, Md., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

6529. Adulteration of canned spinach. U. S. v. 1,617 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 11956. Sample Nos. 66042-F, 66050-F.)

LIBEL FILED: March 6, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about January 13, 1944, by the W. C. Bohannon Canning Co., Mission, Tex.

PRODUCT: 1,617 cases, each containing 24 1-pound, 2-ounce cans, of spinach at New York, N. Y.

LABEL, IN PART: "Bohannon Spinach."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of sand; and, Section 402 (b) (4), sand had been mixed and packed therewith so as to reduce its quality.

DISPOSITION: April 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS*

6530. Adulteration of canned tomatoes. U. S. v. 1,807 Cases and 294 Cases of Canned Tomatoes. Decrees of condemnation. Product ordered released under bond. (F. D. C. No. 11796. Sample No. 10392-F.)

LIBELS FILED: February 11 and 22, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about December 31, 1942, and January 4, 1943, by Roberts Bros., Inc., from Baltimore, Md.

PRODUCT: 2,101 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at New Orleans, La.

LABEL IN PART: (Cans) "Roberts Big R Brand."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 6, 1944. The H. G. Hill Stores, Inc., New Orleans, La., claimant, having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

6531. Adulteration of tomato paste. U. S. v. 456 Cases of Tomato Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11920. Sample No. 66051-F.)

LIBEL FILED: On or about March 2, 1944, Southern District of New York.

*See also Nos. 6520 and 6595.

ALLEGED SHIPMENT: On or about November 16, 1943, by the Riverbank Canning Co., Modesto, Calif.

PRODUCT: 456 cases, each containing 24 6-ounce cans, of tomato paste at New York, N. Y.

LABEL, IN PART: (Cans) "Premier Tomato Paste * * * Francis H. Leggett & Co. Distributors New York, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 22, 1944. Francis H. Leggett & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

6532. Adulteration of tomato puree. U. S. v. 326 Cases and 142 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. D. C. Nos. 12225, 12294. Sample Nos. 33891-F, 75702-F.)

LIBELS FILED: April 20 and May 1, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about March 21, 1944, by the Springfield Sugar & Products Co., from Springfield, Mass.

PRODUCT: 468 cases, each containing 6 cans, of tomato puree at Lockport, N. Y.

LABEL, IN PART: (Cans) "Rockford Brand Puree of Tomatoes * * * Sharp Canning Co. Rockford, Ohio, Ohio City, Ohio," or "Willow Brook Farm Products Tomato Puree * * * Packed By Phillips Bros. Salisbury, Md."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 31, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6533. Adulteration of tomato relish and cucumber relish. U. S. v. 332 Cases of Tomato Relish and 100 Cases of Cucumber Relish. Decrees of condemnation. Products ordered released under bond. (F. D. C. No. 11480. Sample Nos. 41418-F, 41419-F.)

LIBELS FILED: December 23, 1943, Southern District of Texas.

ALLEGED SHIPMENT: On or about September 22 and October 7, 1943, by the Mayfair Food Products Co., from Chicago, Ill.

PRODUCT: 100 cases, each containing 24 12-ounce jars, of cucumber relish, and 332 cases, each containing 24 17-ounce jars, of tomato relish at Houston, Tex.

Examination showed that the tomato relish was contaminated with viable spoilage micro-organisms and was undergoing active fermentation. The cucumber relish was undergoing spoilage; lids were blowing off the jars.

LABEL, IN PART: (Jars) "Mayfair Set Fresh Green Tomato [or "Cucumber"] Relish."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the tomato relish consisted in whole or in part of a decomposed substance; and the cucumber relish was unfit for food because it was undergoing spoilage.

DISPOSITION: March 31, 1944. The claimant having admitted the adulteration of the products, judgments of condemnation were entered and they were ordered released under bond for segregation of the fit from the unfit portion under the supervision of the Food and Drug Administration. The unfit portion was destroyed.

6534. Adulteration and misbranding of tomato sauce and misbranding of tomato puree. U. S. v. 181 Cases of Tomato Sauce and 148 Cases of Tomato Puree. Consent decrees of condemnation. Products ordered released under bond to be relabeled. Amended decree ordering puree distributed to charitable institutions. (F. D. C. Nos. 9922, 10900. Sample Nos. 6645-F, 47236-F.)

LIBELS FILED: May 12 and October 7, 1943; libel of May 12, 1943, amended on March 18, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about March 15 and June 28, 1943, by the Glorioso Corporation, Hopewell, Miss., and New Orleans, La.

PRODUCT: 181 cases, each containing 100 cans, of tomato sauce, and 148 cases, each containing 48 cans, of tomato puree at Memphis, Tenn.

LABEL, IN PART: (Can) "Eagle Brand Tomato Puree," or "Eagle Brand Tomato Sauce Made from Whole Tomatoes Spices Added [or "Tomato Pulp, Salt, Powdered Cereals, Vegetables and Spices Added"]."

VIOLATIONS CHARGED: Adulteration (tomato sauce), Section 402 (b) (2), an unconcentrated tomato product had been substituted in whole or in part for tomato sauce, an article which is understood by the trading and consuming public to be a concentrated tomato product with or without added spices.

Misbranding, Section 403 (a), the name "Tomato Sauce," appearing on the label, was false and misleading as applied to an unconcentrated tomato product; and the statements on some of the labels, "Spices Added," and on the remainder, "Made From Tomato Pulp, Salt, Powdered Cereals, Vegetables and Spices Added," were false and misleading since no spices or cereals were present in the tomato sauce; Section 403 (g) (1), (tomato puree) the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, but it failed to conform to the standard since it contained skins and less than 8.37 percent of salt-free tomato solids.

DISPOSITION: Between March 18 and May 20, 1944, the Glorioso Corporation, in liquidation, having appeared as claimed, judgments of condemnation were entered and the products were ordered released under bond to be relabeled under the supervision of the Federal Security Agency. On August 26, 1944, the decree filed with respect to the puree was amended to provide that it be distributed to local charitable institutions in lieu of the disposition ordered in the original decree.

6535. Misbranding of tomato sauce with meat. U. S. v. 33 Cases of Tomato Sauce With Meat. Default decree of condemnation and destruction. (F. D. C. No. 11901. Sample No. 50017-F.)

LABEL FILED: February 25, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 11, 1943, by the Ragu Packing Co., from Rochester, N. Y.

PRODUCT: 33 cases, each containing 24 10-ounce cans, of tomato sauce with meat, at Erie, Pa.

Examination showed that the product contained an insignificant amount of meat. The average meat content was 0.65 percent.

LABEL IN PART: (Cans) "Ragu Brand Tomato Sauce With Meat."

VIOLATION CHARGED: Misbranding, Section 403 (a), the prominent statement "With Meat" was misleading as applied to a product containing an insignificant proportion of meat.

DISPOSITION: April 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6536. Adulteration of tomato soup. U. S. v. 23 Cases of Tomato Soup (and 3 other seizure actions against tomato soup). Default decrees of condemnation and destruction. (F. D. C. Nos. 11204, 11555, 11660, 11672, 12168. Sample Nos. 49126-F, 49167-F, 49303-F, 49381-F, 59529-F.)

LIBELS FILED: Between December 1, 1943, and April 12, 1944, Southern District of Ohio, Eastern District of Michigan, and Eastern District of Tennessee.

ALLEGED SHIPMENT: Between the approximate dates August 7, 1943, and December 6, 1943, by the Morgan Packing Co., Austin, Ind.

PRODUCT: Tomato soup: 23 cases, each containing 24 cans, and 100 cases, each containing 48 cans, at Cincinnati, Ohio; 199 cases, each containing 48 cans, at Columbus, Ohio; 149 cases, each containing 24 cans, at Detroit, Mich.; and 277 cases, each containing 48 cans, and 501 cases, each containing 24 cans, at Jellico, Tenn.

LABEL IN PART: "Scott Co. * * * Condensed Tomato Soup."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: Between January 10 and May 17, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS*

6537. Adulteration of almonds. U. S. v. 2 Bags and 11 Bags of Almonds. Default decree of condemnation and destruction. (F. D. C. No. 12146. Sample Nos. 76910-F, 76911-F.)

LIBEL FILED: April 5, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 2, 1944, by the Hershey Chocolate Corporation, Hershey, Pa.

PRODUCT: 2 bags (293 pounds) labeled in part "Almond Chips," and 11 bags (1,543 pounds) labeled in part "Reject Almonds."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), (2-bag lot) the product was unfit for food because of the presence of shriveled, worthless almonds and pieces of shell; (11-bag lot) the product consisted in whole or in part of a filthy and decomposed substance and was otherwise unfit for food by reason of the presence of insect-infested, rancid, decomposed, and shriveled almonds; Section 402 (b) (2), (2-bag lot) shriveled almonds and pieces of shell had been substituted for almonds, which the article was represented to be; and, Section 402 (b) (4), shell fragments had been mixed and packed therewith so as to reduce its quality.

DISPOSITION: May 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6538. Adulteration of unshelled almonds. U. S. v. 14 Bags and 106 Bags of Almonds. Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 11635, 13649. Sample Nos. 30038-F, 50094-F.)

LIBELS FILED: February 2 and September 11, 1944, Western Districts of Washington and New York.

ALLEGED SHIPMENT: On or about November 27 and December 10, 1943, by Rosenberg Bros. & Co., from Oakland and San Francisco, Calif.

PRODUCT: 106 80-pound bags of almonds at Seattle, Wash., and 14 25-pound bags of almonds at Olean, N. Y.

LABEL, IN PART: "Ensign Brand California Nonpareil Almonds."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), (Seattle lot) the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested, shriveled, decomposed, and moldy almonds; and (Olean lot) it consisted in whole or in part of a filthy substance and was otherwise unfit for food by reason of the presence of larvae and shriveled almonds.

DISPOSITION: March 2, 1944. Rosenberg Brothers & Co., claimant for the Seattle lot, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with law under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed. No claimant having appeared for the Olean lot, judgment of condemnation was entered on October 9, 1944, and that lot was ordered destroyed.

6539. Adulteration of Brazil nut pieces. U. S. v. 2 Cartons of Brazil Nut Pieces. Default decree of condemnation. Product ordered delivered to the National Zoological Park. (F. D. C. No. 11942. Sample No. 58730-F.)

LIBEL FILED: March 1, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about January 22, 1944, by the Virginia Peanut Co., from Baltimore, Md.

PRODUCT: 2 33-pound cartons of Brazil nut pieces, at Washington, D. C.

LABEL, IN PART: "Brazil Pcs" or "Pieces * * * Packed by T. M. Duche & Sons, Inc. New York."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of rodent hair fragments, insect fragments, larvae, and rancid nut meats.

DISPOSITION: April 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park.

*See also Nos. 6415, 6416, and 6588.

6540. Adulteration of sweetened coconut. U. S. v. 263 Boxes of Sweetened Coconut. Decree of condemnation and destruction. (F. D. C. No. 11946. Sample No. 35491-F.)

LIBEL FILED: On or about March 4, 1944, Middle District of Georgia.

ALLEGED SHIPMENT: From on or about November 10 to 26, 1943, by MacSmith Meneses (Howard Preserving Co., Inc.), from Miami, Fla.

PRODUCT: 263 boxes containing a total of approximately 24,424 pounds of sweetened coconut, at Columbus, Ga.

LABEL, IN PART: (Box) "La Balear Habana Hecho en Cuba."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy, sour, and rancid coconut.

DISPOSITION: March 13, 1944. The owner of the product, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

6541. Adulteration of filberts. U. S. v. 46 Sacks of Filberts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12088. Sample No. 70822-F.)

LIBEL FILED: March 27, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about March 13, 1944, by C. A. Nordstrom, from Portland, Oreg.

PRODUCT: 46 sacks, each containing 75 pounds, of filberts, at Tacoma, Wash. Examination showed the presence of moldy nuts.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 20, 1944. The Brown & Haley Candy Co., Tacoma, Wash., having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and denatured.

6542. Adulteration of peanut butter. U. S. v. 46 Cases, 42 Cases, and 49 Cases of Peanut Butter. Default decrees ordering portion of product disposed of as hog feed and remainder destroyed. (F. D. C. Nos. 12067, 12706. Sample Nos. 36757-F, 36758-F, 58025-F.)

LIBELS FILED: March 23 and June 16, 1944, Districts of Utah and Idaho.

ALLEGED SHIPMENT: From on or about September 29, 1942, to September 21, 1943, by the Robertson Peanut Co., Clayton, Ala.

PRODUCT: Peanut butter: 46 cases, each containing 24 1-pound jars, at Salt Lake City, Utah; and 42 cases, each containing 12 1½-pound jars, and 49 cases, each containing 24 1-pound jars, at Twin Falls, Idaho.

LABEL, IN PART: "Delicious Brand Peanut Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetle fragments in one portion and insect fragments and dirt in the remainder.

DISPOSITION: On May 27 and August 24, 1944, no claimant having appeared, the lot at Salt Lake City was ordered disposed of as hog feed, and the lot at Twin Falls was ordered destroyed.

6543. Misbranding of peanut butter. U. S. v. 51 Cases of Peanut Butter. Decree of condemnation. Product ordered destroyed. (F. D. C. No. 12140. Sample No. 43795-F.)

LIBEL FILED: April 14, 1944, District of Kansas.

ALLEGED SHIPMENT: On or about February 2, 1944, by the Geo. Hogue Mercantile Co., from Kansas City, Mo.

PRODUCT: 51 cases, each containing 12 jars, of peanut butter at Wichita, Kans.

LABEL, IN PART: (Jar) "Net Wt. 1 Lb. 8 Oz. Missouri Valley Brand Peanut Butter."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements on the labeling, "Enriched With High Protein Soya Product," and "Net Wt. 1 Lb. 8 Oz.," were false and misleading as applied to the article, which contained no soya product, and which was less than the declared weight; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 15, 1944. The owner of the product having admitted the violations charged in the libel, judgment of condemnation was entered and the product was ordered destroyed.

6544. Misbranding of peanut butter. U. S. v. 25 Cases of Peanut Butter. Default decree of condemnation. Product ordered delivered to local charitable institutions. (F. D. C. No. 12004. Sample No. 79205-F.)

LIBEL FILED: March 13, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about December 30, 1943, by Princess Pecans, Inc., from Camilla, Ga.

PRODUCT: 25 cases, each containing 24 jars, of peanut butter at Washington, D. C.

LABEL, IN PART: (Jars) "King O'Nuts Fresh 1 Lb. Net Wt. Peanut Butter."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "1 Lb. Net Wt." was false and misleading as applied to an article that was short weight; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to local charitable institutions.

6545. Misbranding of peanut butter. U. S. v. 29 Cases, 98 Cases, and 232 Cases of Peanut Butter. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11902. Sample No. 35590-F.)

LIBEL FILED: February 25, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about December 8, 1943, by the W. B. Roddenbery Co., from Cairo, Ga.

PRODUCT: 359 cases, each containing 24 jars, of peanut butter, at Charlotte, N. C.

LABEL, IN PART: (Jars) "Happy Kids Brand * * * Peanut Butter * * * Net Wt. 8¾ Oz. [or "12 Oz." or "1 Lb."]."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements "Net Wt. 8¾ Oz.," "Net Wt. 12 Oz.," and "Net Wt. 1 Lb." were false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 27, 1944. The W. B. Roddenbery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6546. Misbranding of peanut butter. U. S. v. 72 Cases, 165 Cases, and 190 Cases of Peanut Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12132. Sample Nos. 35690-F to 35692-F, incl.)

LIBEL FILED: On or about April 6, 1944, Western District of South Carolina.

ALLEGED SHIPMENT: From on or about February 11 to March 8, 1944, by the Colonial Stores, Inc., from Atlanta, Ga.

PRODUCT: Peanut butter: 72 cases, each containing 12 jars, and 355 cases, each containing 24 jars, at Greenville, S. C.

LABEL, IN PART: (Jars) "Tellam's High Grade Brand Peanut Butter * * * Net Wt. 1 Lb. 8 Oz. [or "1 Lb.," or "Wonder Brand Peanut Butter * * * Net Weight 1 Lb.]" Mfd. by Wm. Tellam Co. Inc. Atlanta, Ga."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements on the label, "Net Wt. 1 Lb. 8 Oz.," or "Net Wt. 1 Lb.," were false and misleading as applied to the article, which contained less than the declared weight; and section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 6, 1944. William Tellam, claimant, having admitted the allegations of the libel, except as to the amount seized, judgment of condemnation was entered and the product was ordered released under bond to be filled to declared weight, under the supervision of the United States marshal.

6547. Adulteration of shelled peanuts. U. S. v. 484 Bags of Shelled Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11794. Sample No. 64843-F.)

LIBEL FILED: February 17, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about September 8, 1943, from Gorman, Tex.

PRODUCT: 484 bags, each containing 100 pounds, of shelled peanuts at Seattle, Wash., in possession of the Pacific Food Products Co.

The peanuts were stored under insanitary conditions after shipment. The bags were rodent-cut and contained rodent excreta and urine stains. Examination of samples showed that the product was contaminated with rodent hairs and rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 26, 1944. The Pacific Food Products Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was pressed into oil and the residue disposed of for poultry feed.

6548. Adulteration of shelled peanuts. U. S. v. 17 Bags and 37 Bags of Shelled Peanuts. Default decree of condemnation. Product ordered delivered to the National Zoological Park. (F. D. C. No. 11570. Sample Nos. 58710-F, 58721-F.)

LIBEL FILED: January 4, 1944, District of Columbia.

PRODUCT: 54 bags of shelled peanuts at Washington, D. C., in the possession of M. B. Frazier & Son.

The product was stored under insanitary conditions after shipment. A mouse nest containing dead mice was noted in one lot, and the bags were rodent-cut. Examination of samples showed rodent excreta, rodent hair fragments, insects, insect fragments, and insect excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park.

6549. Adulteration of shelled peanuts. U. S. v. 105 Bags of Shelled Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12014. Sample No. 63206-F.)

LIBEL FILED: March 14, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about February 11, 1944, by the South Quay Peanut Co., from Franklin, Va.

PRODUCT: 105 bags of shelled peanuts at Charlotte, N. C.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of rancid, moldy, and dirty peanuts.

DISPOSITION: April 10, 1944. Milford Pettus and Mary D. Pettus, trading as the J. & J. Candy Co., Charlotte, N. C., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. An amended decree was entered on May 18, 1944, ordering the crushing of the peanuts for the manufacture of oil and peanut cake for feed and fertilizer, under the supervision of the Food and Drug Administration.

6550. Adulteration of shelled peanuts. U. S. v. 465 Bags of Shelled Peanuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11991. Sample No. 53646-F.)

LIBEL FILED: March 10, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about May 28, 1943, by the Bain Peanut Co. of Texas, from San Antonio, Tex.

PRODUCT: 465 bags of shelled peanuts, each bag weighing approximately 105 pounds, at Los Angeles, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live and dead insects, webbing, frass, and insect excreta.

DISPOSITION: March 24, 1944. Morris Rosenberg, Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

6551. Adulteration of unshelled pecans. U. S. v. 60 Bags and 65 Bags of Unshelled Pecans. Default decrees of condemnation and destruction. (F. D. C. Nos. 11820, 11821. Sample Nos. 72213-F, 72214-F.)

LIBELS FILED: February 17, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 11, 1943, by Edgar M. Boyles and James Harry Thompson, from Macon, Ga.

PRODUCT: 65 bags, containing approximately 4,400 pounds, and 60 bags, containing approximately 3,900 pounds, of unshelled pecans at Dyersburg, Tenn.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance and was otherwise unfit for food by reason of the presence of insect-damaged, moldy, decomposed, and shriveled nuts.

DISPOSITION: March 18, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6552. Adulteration of pecan pieces. U. S. v. 4 Cartons of Pecan Pieces. Default decree of condemnation and destruction. (F. D. C. No. 11455. Sample No. 59426-F.)

LIBEL FILED: December 21, 1943, Northern District of Indiana.

ALLEGED SHIPMENT: On or about October 13, 1943, by the D. Calamari Co., Chicago, Ill.

PRODUCT: 4 50-pound cartons of pecan pieces at South Bend, Ind.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, insect fragments, rodent hairs, and fragments resembling rodent hairs.

DISPOSITION: April 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6553. Adulteration of walnut meats. U. S. v. 20 Cases of Walnut Meats. Default decree of condemnation and destruction. (F. D. C. No. 12017. Sample No. 58356-F.)

LIBEL FILED: March 16, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about March 20, 1943, by the Merle Hinds Co., from Salt Lake City, Utah.

PRODUCT: 20 cases, each containing 25 pounds, of walnut meats at Denver, Colo.

LABEL, IN PART: "Anderson Produce Salt Lake City."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance, worm-damaged nut meats.

DISPOSITION: March 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6554. Adulteration of black walnut meats. U. S. v. 6 Boxes of Walnut Meats. Default decree of condemnation and destruction. (F. D. C. No. 12167. Sample No. 40989-F.)

LIBEL FILED: April 10, 1944, Northern District of Texas.

ALLEGED SHIPMENT: From on or about February 26 to March 7, 1944, by the Benton County Produce Co., Rogers, Ark.

PRODUCT: 6 25-pound boxes of black walnut meats at Fort Worth, Tex.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance in that it contained *Escherichia coli*, an organism which indicates pollution of fecal origin.

DISPOSITION: May 26, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6555. Adulteration of black walnut meats. U. S. v. 9 Cases of Black Walnut Kernels. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11656. Sample No. 49845-F.)

LIBEL FILED: January 17, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about December 8, 1943, by Block Bros., from Nashville, Tenn.

PRODUCT: 9 cases, each containing 35 pounds, of black walnut kernels at Buffalo, N. Y.

Examination showed that the product contained *Escherichia coli*, an organism which indicates pollution of fecal origin and, consequently, contamination with filth.

LABEL, IN PART: "Tennessee Belle."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: April 4, 1944. Block Bros. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was reconditioned by cleaning in order to remove all filth.

SPICES, FLAVORS, AND CONDIMENTS*

6556. Adulteration of chili peppers. U. S. v. 286 Bags of Chili Peppers. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11593. Sample No. 53621-F.)

LIBEL FILED: January 6, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about November 1, 1943, by Banco de Baja California, from the Republic of Mexico.

PRODUCT: 286 bags of chili peppers at Los Angeles, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent-chewed chili peppers.

DISPOSITION: January 15, 1944. The Chili Products Corporation, Ltd., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

6557. Adulteration of chili peppers. U. S. v. 189 Bales of Chili Peppers. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11593. Sample No. 53620-F.)

LIBEL FILED: January 6, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about August 11, 1943, by Corriti Y Cia, from the Republic of Mexico.

PRODUCT: 189 bales, weighing approximately 55,115 pounds, of chili peppers, at Los Angeles, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent-chewed and insect-infested chili peppers.

DISPOSITION: January 20, 1944. The Chili Products Corporation, Ltd., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

6558. Adulteration of chili peppers. U. S. v. 57 Bags of Chili Peppers. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11643. Sample No. 53627-F.)

LIBEL FILED: January 14, 1944, Southern District of California.

ALLEGED SHIPMENT: From on or about November 17 to December 11, 1943, by L. Martinez, from Douglas, Ariz.

PRODUCT: 57 bags of various weights, averaging 180 pounds, of chili peppers, at Los Angeles, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy chili peppers.

DISPOSITION: January 24, 1944. C. L. Prats, doing business as Prats Chili Co., Los Angeles, Calif., having admitted the allegations of the libel, judgment of

*See also No. 6435.

condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

6559. Adulteration of chili peppers. U. S. v. 56 Bales and 60 Bags of Chili Peppers. Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 10532, 12022. Sample Nos. 56046-F, 62927-F.)

LIBELS FILED: September 7, 1943, and March 14, 1944, Eastern District of Missouri and Southern District of New York.

ALLEGED SHIPMENT: On or about November 6, 1941, and November 3, 1942, by Pee Dee Pepper Growers, Inc., Pamplico, S. C.

PRODUCT: Chili peppers: 56 bales, weighing 86 pounds each, at New York, N. Y., and 60 bags, each containing 76 pounds, at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the New York lot consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect excreta, and rodent excreta; and the St. Louis lot consisted in whole or in part of a decomposed substance by reason of the presence of moldy peppers.

DISPOSITION: April 15, 1944. The David G. Evans Coffee Co., St. Louis, Mo., claimant for the St. Louis lot, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Federal Security Agency. The product was denatured and sold for use as poultry and stock feed. On June 27, 1944, the claimant for the New York lot having withdrawn its claim and answer, judgment of condemnation was entered and the product was ordered destroyed.

6560. Adulteration of chili peppers. U. S. v. 220 Bales of Chili Peppers. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11912. Sample No. 61442-F.)

LIBEL FILED: February 28, 1944, Western District of Texas.

ALLEGED SHIPMENT: On or about December 3, 1943, from Mexico.

PRODUCT: 220 unlabeled bales of chili peppers at San Antonio, Tex., in possession of the Southern Transfer & Storage Co.

The product was stored under insanitary conditions after shipment, and the wrappings of the bales were rodent-gnawed and bore rodent excreta. Examination of samples showed that the product was rodent-gnawed and contaminated with rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 20, 1944. The Gebhardt Chili Powder Co., San Antonio, Tex., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

6561. Adulteration of chili pods. U. S. v. 650 Pounds of Chili Pods. Default decree of condemnation and destruction. (F. D. C. Nos. 11437, 11438. Sample Nos. 58304-F, 58305-F.)

LIBEL FILED: December 16, 1943, Western District of Texas.

ALLEGED SHIPMENT: Portion shipped on or about January 2, 1942, by J. Mares, from C. Jaurez, Mex.; remainder shipped on or about February 5, 1943, by Alois Beal from Mesilla, N. Mex.

PRODUCT: 4 bags, containing 300 pounds, and 5 bags, containing 350 pounds, of chili pods at El Paso, Tex.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of (300 pounds) larvae, insect excreta, mouse pellets, and moldy pods, and (350 pounds) insect excreta and moldy pods.

DISPOSITION: January 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6562. Adulteration of cumin seed. U. S. v. 104 Bags of Cumin Seed. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12207. Sample No. 72034-F.)

LIBEL FILED: April 15, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 17, 1943, by the P. H. Petry Co., from New York, N. Y.

PRODUCT: 104 bags, each containing approximately 150 pounds, of cumin seed at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, larvae, insects, cast skins, and insect fragments.

DISPOSITION: May 4, 1944. The David G. Evans Coffee Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Federal Security Agency. The unfit portion was segregated and destroyed.

6563. Adulteration of ginger root. U. S. v. 11 Bags of Ginger Root. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 10953. Sample No. 56087-F.)

LIBEL FILED: October 20, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about July 29, 1943, by the Overseas Trading Co. (Havana, Cuba), from Miami, Fla.

PRODUCT: 11 bags, containing a total of approximately 1,270 pounds, of ginger root at New York City.

LABEL, IN PART: (Bag) "O T Co A D A. G. Dunn New York."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect excreta pellets.

DISPOSITION: December 1, 1943. Arthur G. Dunn, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned so as to comply with the law, under the supervision of the Food and Drug Administration. On December 4, 1943, an amended decree was entered to permit the reconditioning of the product by a different firm than the one originally named. Subsequently, it was accidentally destroyed by fire.

6564. Adulteration of ginger root. U. S. v. 3 Bags of Ginger Root. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 10954. Sample No. 56088-F.)

LIBEL FILED: October 20, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about March 30, 1943, by Lascelles, de Mercado & Co., Ltd., Kingston, Jamaica.

PRODUCT: 3 bags, each containing 180 pounds, of ginger root at New York City.

LABEL, IN PART: (Bag) "Ginger Product of Jamaica."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect excreta pellets.

DISPOSITION: December 1, 1943. Arthur G. Dunn, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned so as to comply with the law, under the supervision of the Food and Drug Administration. On December 4, 1943, an amended decree was entered to permit the reconditioning of the product by a different firm than originally named. Subsequently, it was accidentally destroyed by fire.

6565. Adulteration of yellow mustard seed. U. S. v. 35 Bags of Yellow Mustard seed. Default decree of condemnation and destruction. (F. D. C. No. 11316. Sample No. 46392-F.)

LIBEL FILED: December 14, 1943, District of Columbia.

ALLEGED SHIPMENT: On or about September 20, 1941, from St. John, Wash.

PRODUCT: 35 100-pound bags of yellow mustard seed at Washington, D. C., in the possession of the Terminal Refrigerating & Warehousing Corp.

The product was stored, after shipment, under insanitary conditions. Some of the bags were rodent-cut, rodent pellets were found on and around the

stack, and practically all the bags in the lot bore urine stains. Examination of samples showed that the product contained rodent hairs, insects, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, insects, and insect fragments; and Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6566. Adulteration of whole nutmegs. U. S. v. 33 Bags of Nutmegs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11993. Sample No. 49337-F.)

LIBEL FILED: March 10, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 14, 1943, by Arthur G. Dunn, from Tampa, Fla.

PRODUCT: 33 200-pound bags of whole nutmegs at Cincinnati, Ohio.

LABEL, IN PART: (Bags) "SC AGD Product of British West Indies."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nutmegs.

DISPOSITION: March 13, 1944. The Frank Tea & Spice Co., Cincinnati, Ohio, claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration. On March 22, 1944, an amended decree was entered, ordering the distillation of the product into nutmeg oil, and the destruction of the residue, under the supervision of the Food and Drug Administration.

6567. Misbranding of onion salt and celery salt. U. S. v. 57½ Dozen Jars of Onion Salt and 35½ Dozen Jars of Celery Salt. Default decree of condemnation and destruction. (F. D. C. No. 12243. Sample Nos. 49972-F, 49973-F.)

LIBEL FILED: April 24, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 3, 1944, by the Hudson Tea & Spice Co., from Brooklyn, N. Y.

PRODUCT: 57½ dozen jars of onion salt and 35½ dozen jars of celery salt, at Erie, Pa.

LABEL, IN PART: (Jars) "Hudson Brand Onion Salt [or "Celery Salt"] 1½ Ozs. Net."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "1½ Ozs. Net" was false and misleading as applied to the products, which were short weight; and, Section 403 (e) (2), they were in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 15, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

6568. Adulteration of sage rosemary. U. S. v. 18 Bags of Sage Rosemary. Decree of condemnation. Product ordered released under bond to be cleaned. (F. D. C. No. 11022. Sample No. 19240-F.)

LIBEL FILED: October 28, 1943, District of Massachusetts.

ALLEGED SHIPMENT: From on or about May 18 to August 16, 1943, by the Thomson & Taylor Division of the Warfield Co., Chicago, Ill.

PRODUCT: 18 100-pound bags of sage rosemary at Boston, Mass.

LABEL, IN PART: "Rubbed Sage-Rosemary."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirt.

DISPOSITION: January 26, 1944. The Thomson & Taylor Division of the Warfield Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be cleaned by remilling and resifting, under the supervision of the Food and Drug Administration.

6569. Adulteration of sesame seed. U. S. v. 19 Bags and 7 Bags of Sesame Seed. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11882. Sample Nos. 50653-F, 50654-F.)

LIBEL FILED: February 21, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 11 and February 7, 1944, by Richard J. Spitz, from New York, N. Y.

PRODUCT: 19 bags, each containing approximately 200 pounds, and 7 bags, each containing approximately 150 pounds, of sesame seed in Philadelphia, Pa.

LABEL, IN PART: (Bags) "Frank Burns, Inc., * * * Chinese Hulled Sesame Seed."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvæ, insect fragments, webbing, insect excreta, and rodent excreta.

DISPOSITION: March 1, 1944. Richard J. Spitz, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released, upon deposit of cash collateral, to be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and denatured.

6570. Adulteration of imitation lemon flavor. U. S. v. 82 Cases of Imitation Lemon Flavor. Default decree of condemnation and destruction. (F. D. C. No. 12153. Sample No. 58640-F.)

LIBEL FILED: April 10, 1944, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about February 7, 1944, by the Purex Products Co., from Baltimore, Md.

PRODUCT: 82 cases, each containing 24 bottles, of imitation lemon flavor, at Richmond, Va.

LABEL, IN PART: "Ken-Dawn Imitation Lemon Flavor Non-Alcoholic * * * Distributed by C. D. Kenny Division Sprague-Warner-Kenny Corporation Baltimore, Md."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a solution containing a trace of citral, having little or no value as a flavoring, had been substituted in whole or in part for "Imitation Lemon Flavor"; Section 402 (b) (3), inferiority had been concealed by mixing with water and color; and, Section 402 (b) (4), water had been added so as to reduce the strength of the article, and color had been added so as to make it appear better or of greater value than it was.

DISPOSITION: May 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6571. Adulteration of pimento catsup. U. S. v. 50 Cases of Pimento Catsup. Default decree of condemnation and destruction. (F. D. C. No. 11173. Sample No. 47843-F.)

LIBEL FILED: On or about November 29, 1943, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 28, 1943, by J. B. Robinson, from Cleveland, Ohio.

PRODUCT: 50 cases, each containing 12 bottles, of pimento catsup at Caruthersville, Mo.

LABEL, IN PART: (Bottles) "Robinson's Pimento Catsup."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6572. Adulteration of chili sauce and hot sauce. U. S. v. Pablo Baca (La Victoria Packing Co.) Plea of nolo contendere. Fine, \$200. (F. D. C. No. 10601. Sample Nos. 13892-F, 14446-F.)

INFORMATION FILED: On December 16, 1943, in the Southern District of California, against Pablo Baca, trading as La Victoria Packing Co., Los Angeles, Calif.

ALLEGED SHIPMENT: On or about March 25 and April 13, 1943, from the State of California into the State of Arizona.

LABEL, IN PART: "La Victoria Brand Red Chile Sauce Salsa De Chile Colorado," and "Salsa Brava Brand Mexicana Hot Sauce."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hairs, fly heads, and fragments of flies; and, Section 402 (a) (4), the articles had been prepared, packed, or held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 17, 1944. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$100 on each of 2 counts, a total of \$200.

6573. Misbranding of soy sauce. U. S. v. 75 Cases of Soy Sauce. Default decree of condemnation and destruction. (F. D. C. No. 11585. Sample No. 65503-F.)

LIBEL FILED: January 7, 1944, Eastern District of Washington.

ALLEGED SHIPMENT: On or about May 26, 1943, by the Glaser, Crandell Co., Inc., Chicago, Ill.

PRODUCT: 75 cases, each containing 24 bottles, of soy sauce, at Spokane, Wash. The product was shipped unlabeled and there was no written agreement between the shipper and consignee as to labeling it.

VIOLATIONS CHARGED: Misbranding (when introduced into interstate commerce), Section 403 (e) (1), the article was a food in package form and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients and it failed to bear a label containing the common or usual name of each ingredient.

DISPOSITION: February 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6574. Adulteration of Worcestershire style sauce. U. S. v. 47 Cases of Worcestershire Style Sauce (and 1 other seizure action against Worcestershire style sauce). Default decrees of condemnation and destruction. (F. D. C. Nos. 11500, 11686. Sample Nos. 57481-F, 65911-F.)

LIBEL FILED: On or about December 28, 1943, and February 3, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about September 27 and November 18, 1943, by Safe Owl Products, Inc., from Brooklyn, N. Y.

PRODUCT: 94 cases, each containing 24 5-ounce bottles, of Worcestershire Style Sauce, at Hoboken, N. J.

Examination showed that the product was in an active state of fermentation.

LABEL, IN PART: (Bottle wrapper) "American House Worcestershire Style Sauce * * * Distributed by American Grocery Co., Hoboken, New Jersey."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 6, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

MISCELLANEOUS FOODS*

6575. Adulteration of Sunshine Coffee Cake Base and Rapi-Do. U. S. v. 26 Bags of Coffee Cake Base and 112 Bags of Rapi-Do. Consent decree of condemnation. Product ordered released under bond for denaturing and use for technical purposes or for animal food. (F. D. C. No. 10950. Sample Nos. 34278-F, 34279-F.)

LIBEL FILED: October 26, 1943, Northern District of Ohio.

ALLEGED SHIPMENT: On or about April 29 and May 12, 1943, by the Joe Lowe Corp., New York, N. Y.

PRODUCT: 26 bags, each containing 140 pounds, of coffee cake base, and 112 bags, each containing 140 pounds, of Rapi-Do at Youngstown, Ohio.

LABEL, IN PART: (Tag on bags) "Sunshine Coffee Cake Base," or "Rapi-Do."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects, larvae, larva heads or capsules, and insect fragments.

DISPOSITION: December 28, 1943. The Hathaway Bakeries, Inc., Youngstown, Ohio, claimant, having admitted the facts in the libel, judgment of condemna-

*See also No. 6407.

tion was entered and the product was ordered released under bond for denaturing and use for technical purposes or for animal food, under the supervision of the Food and Drug Administration.

6576. Adulteration of Peptolac and Swanja (baking mixes). U. S. v. David Beyer (Beyer Products Co.). Plea of guilty. Fine, \$400 and costs. (F. D. C. No. 10562. Sample Nos. 22644-F, 23044-F.)

INFORMATION FILED: September 29, 1943, in the Northern District of Ohio, against David Beyer, trading as the Beyer Products Co., Cleveland, Ohio.

ALLEGED SHIPMENT: From on or about March 11 to April 3, 1943, from the State of Ohio into the State of Pennsylvania.

LABEL, IN PART: "Peptolac For Rye Bread," or "Beyers Swanja For Better Bread."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, rodent hair fragments, hair fragments resembling rodent hairs, insect fragments, and an insect; and Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 25, 1943. A plea of guilty having been entered, a fine of \$200 on each of 2 counts, a total fine of \$400 and costs, was imposed.

6577. Adulteration of saccharic acid. U. S. v. 25 Barrels and 69 Barrels of Saccharic Acid. Default decrees of condemnation and destruction. (F. D. C. Nos. 10335, 13885. Sample Nos. 13943-F, 14500-F, 38743-F, 39801-F, 74241-F.)

LIBELS FILED: August 3, 1943, and September 30, 1944, Northern District of Illinois and Southern District of California.

ALLEGED SHIPMENT: On or about April 21 and May 22, 1943, by the Brocker Chemical Co., from Morganville, N. J.

PRODUCT: 25 500-pound barrels of saccharic acid at Los Angeles, Calif., and 69 500-pound barrels at Chicago, Ill.

The article was used as a component in foods.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (1), both lots of the article contained an added poisonous or deleterious substance, oxalic acid, and, in addition, the Chicago lot contained hydrocyanic acid, which might have rendered the article injurious to health; and, Section 402 (a) (3), the Chicago lot consisted in whole or in part of a decomposed substance since the article was undergoing a chemical break-down, developing carbon dioxide and other chemical compounds.

DISPOSITION: April 14 and October 28, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6578. Misbranding of mushroom soup mix. U. S. v. 4 Cases of Mushroom Soup Mix. Default decree of condemnation and destruction. (F. D. C. No. 11846. Sample No. 65245-F.)

LIBEL FILED: February 21, 1944, District of Montana.

ALLEGED SHIPMENT: On or about August 5, 1943, by R. W. Griswold, from Ashtabula, Ohio.

PRODUCT: 4 cases, each containing 12 cartons of 12 1-ounce packages, of mushroom soup mix at Butte, Mont.

LABEL, IN PART: (Package) "Griswold's Cream of Mushroom Soup contains mushrooms, derivatives of cereal, and milk."

VIOLATIONS CHARGED: Misbranding, Section 402 (a), the name "Cream of Mushroom Soup" was misleading as applied to the mixture, which consisted of corn starch, oat flour, wheat starch, soya bean flour, skim milk powder, and mushroom tissues; and the word "milk" in the statement of ingredients on the package label was misleading as applied to the article, which contained skim milk powder; Section 403 (d), the container was so filled as to be misleading since the soup mix occupied only about 37 percent of the volume of the package; and, Section 403 (i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since "Derivatives of cereal" is not the common or usual name for corn starch, oat flour, wheat starch, or soya bean flour.

DISPOSITION: January 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6579. Misbranding of soup mix. U. S. v. 400 Cases of Soup Mix. Consent decree of condemnation. Product ordered released under bond to be repackaged and relabeled. (F. D. C. No. 9578. Sample No. 14748-F.)

LIBEL FILED: On or about March 26, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 1, 1943, by the French-Kitchen Foods Corp., of Chatsworth, Calif., from Los Angeles, Calif.

PRODUCT: 400 cases, each containing 24 2½-ounce cartons of soup mix at Chicago, Ill.

The article consisted of a finely powdered substance in a wax paper bag which was placed in a cardboard carton. The contents occupied approximately 48 percent of the volume of the carton.

LABEL, IN PART: (Cartons) "French-Kettle Brand Dehydrated Famous French Style Split-Pea Soup Mix Puree with Noodles."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container of the article was so made, formed, and filled as to be misleading.

DISPOSITION: April 21, 1944. French-Kitchen Foods Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be repackaged into bulk containers and relabeled for sale to restaurants or institutions, under the supervision of the Food and Drug Administration.

6580. Adulteration of noodle soup mix. U. S. v. 139 Cases of Noodle Soup Mix. Default decree of condemnation and destruction. (F. D. C. No. 11762. Sample Nos. 50644-F, 51168-F.)

LIBEL FILED: February 7, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 13, 1942, from Chicago, Ill.

PRODUCT: 139 cases, each containing 28 2½-pound packages, of noodle soup mix at Philadelphia, Pa., in possession of the Food Fair Stores, Inc.

The product had been stored under insanitary conditions after shipment. Rodents had gnawed through some of the cases and had tunneled through the individual packages. Rodent pellets were found in the cases, and examination showed that the product contained rodent hair fragments, insects, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6581. Misbranding of spaghetti gravy. U. S. v. 330 Cases of Spaghetti Gravy. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11525. Sample No. 41512-F.)

LIBEL FILED: December 31, 1943, Southern District of Alabama.

ALLEGED SHIPMENT: On or about October 21 and November 17, 1943, by the Uddo & Taormina Co., Crystal Springs, Miss.

PRODUCT: 330 cases, each containing 24 10-ounce cans, of spaghetti gravy at Mobile, Ala.

LABEL IN PART: (Cans) "Giardiniera Ready Gravy * * * Spaghetti Gravy contains * * * Pure Virgin Olive Oil * * * Packed by La Sierra Heights Canning Co. Los Angeles, Calif."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statement "Pure Virgin Olive Oil" in bold capital letters on the can was misleading as applied to the article, which contained very little olive oil.

DISPOSITION: February 11, 1944. The Uddo & Taormina Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6582. Misbranding of Yur-Jel. U. S. v. 22 Pails of Yur-Jel. Default decree of condemnation and destruction. (F. D. C. No. 10258. Sample No. 37698-F.)

LIBEL FILED: July 14, 1943, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about February 19, 1943, by the I. Kalfus Co., Inc., New York, N. Y.

PRODUCT: 22 pails of Yur-Jel at Detroit, Mich.

Examination showed that the product was artificially flavored and colored cornstarch.

LABEL, IN PART: "Kalco Brand Yur-Jel * * * Contains: Processed Tapioca, Tartaric Acid, Flavor and Certified Food Color."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the name "Yur-Jel" was misleading since the article was not a jelly or gelatin preparation; and the term "Processed Tapioca" in the list of ingredients was false and misleading as applied to the article, which contained cornstarch instead of tapioca; Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since cornstarch was not declared; and, Section 403 (k) it contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: October 11, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

6583. Misbranding of Cereal Lactic. U. S. v. Cereal Lactic Co., Inc. Plea of guilty. Fine, \$50 and costs. (F. D. C. No. 9686. Sample Nos. 73989-E, 32457-F.)

INFORMATION FILED: On September 17, 1943, in the Southern District of Iowa against the Cereal Lactic Co., Inc., Woodward, Iowa.

ALLEGED SHIPMENT: On or about May 13 and November 20, 1942, from the State of Iowa into the States of Ohio and Missouri.

VIOLATION CHARGED: Misbranding, Section 403 (a), the statement on the label which represented that the food contained viable lactic acid organism cultures was false and misleading since the article did not contain viable lactic acid organism cultures; and, Section 403 (j), the article purported to be and was represented as a food for special dietary use by man by reason of its vitamin properties and filtrate factor, but its label did not bear, as required by the regulations, a statement of the proportion of the minimum daily requirements for vitamin A, vitamin B₁, vitamin D, and riboflavin which would be supplied by the food when consumed in a specified quantity during a period of 1 day; and its label did not bear a statement that the need for filtrate factor in human nutrition has not been established.

DISPOSITION: November 30, 1943. A plea of guilty having been entered, a fine of \$25 on each of counts 1 and 2 was imposed, with costs.

6584. Misbranding of Van Dutch Chocolate Flavored Mix. U. S. v. 16 Dozen Jars of Chocolate Flavored Mix. Default decree of condemnation. Product ordered delivered to local charitable institutions. (F. D. C. No. 11951. Sample No. 51119-F.)

LIBEL FILED: March 3, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 14, 1944, by the Van Dutch Products Co., from New York, N. Y.

PRODUCT: 16 dozen 1-pound jars of chocolate-flavored mix (beverage material) at Philadelphia, Pa.

LABEL, IN PART: "Van Dutch Chocolate Flavored Mix."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements on the label, "Mix For Energy * * * En-Er-Gy * * * Featuring a patented full fat soy flour which contains Vitamins A, B, B₂, D, E, G & K," were false and misleading since they represented and suggested that the article was of special value in providing energy and the vitamins declared, whereas it had no greater significance as a source of food energy than other common foods, and provided only inconsequential amounts of the vitamins declared; and, Section 403 (j), it was represented as a food for special dietary uses by man by reason of its vitamin A, B, B₂, D, E, G and K content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins A, B₁, B₂, and D and the quantity of vitamin E and vitamin K supplied by a specified quantity of the product reasonably suitable and practicable of consumption during a period of 1 day, and a statement that the need for vitamin E in human nutrition has not been established.

DISPOSITION: April 10, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to local charitable institutions.

6585. Misbranding of Nog Vitamized Health Food. U. S. v. 136 Bottles of Nog Vitamized Health Food. Default decree of condemnation and destruction. (F. D. C. No. 11903. Sample No. 51819-F.)

LIBEL FILED: February 28, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 11 and 24, 1943, by Nog, Inc., from Dunkirk, N. Y.

PRODUCT: 136 Bottles, each containing 1¼ pounds, of Nog Vitamized Health Food, at Boston, Mass.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements on the label of the article which created the impression that use of the article would insure health, aid digestion, induce restful sleep, provide resistance to disease, and be of significant value in insuring growth, were false and misleading, since the article, when used as directed, would be of no special value for such purposes; and, Section 403 (j), it was represented as a food for special dietary uses by man by reason of its vitamin A, B, C, D and E content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins A, B, C, and D and the quantity of vitamin E supplied by a specified quantity of the product when consumed during a period of 1 day, and a statement that the need for vitamin E in human nutrition has not been established.

DISPOSITION: March 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6586. Adulteration and misbranding of Nutraceo No. 4. U. S. v. Amos Roe Beamon (Nutritional Aids Co.). Plea of guilty. Fine, \$260. (F. D. C. No. 10607. Sample No. 43925-F.)

INFORMATION FILED: On December 16, 1943, in the Southern District of California, against Amos Roe Beamon (Nutritional Aids Co.), Los Angeles, Calif.

ALLEGED SHIPMENT: February 13 and 25, 1943, from the State of California into the State of Missouri.

PRODUCT: Analysis showed that each tablet contained not more than 8.43 grains of dicalcium phosphate, and not more than 2.0 U. S. P. Units of vitamin C.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, dicalcium phosphate and vitamin C, had been in part omitted from the article since it purported to be and was represented to contain 10 grains of dicalcium phosphate per tablet and 100 International Units of vitamin C per tablet, whereas it contained smaller amounts of dicalcium phosphate and vitamin C.

Misbranding, Section 403 (a), the statements on the label, "Di-Calcium Phosphate 10 grains * * * Vitamin C 100 International Units," were false and misleading; Section 403 (i), the article was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient since it contained an ingredient which was designated on the label as "Iso-tonic Compound," and its label failed to bear the common or usual name of the ingredient so designated; and, Section 403 (j), it purported to be and was represented for special dietary use by man by reason of its vitamin and mineral properties, and its label did not bear such information concerning the vitamin and mineral properties of the article as has been determined to be and by regulations prescribed as necessary in order fully to inform purchasers as to its value for such use, since its label did not bear a statement of the proportion of the minimum daily requirements for vitamins D and C and calcium and phosphorus which would be supplied by the article when consumed in a specified quantity during a period of 1 day.

DISPOSITION: On January 10, 1944, a plea of guilty was entered. On January 24, 1944, a fine of \$250 on count 2 and \$10 on count 3 was imposed.

6587. Adulteration and misbranding of concentrated orange juice. U. S. v. 49 Cases of Concentrated Orange Juice. Default decree of condemnation. Product ordered delivered to a Federal agency. (F. D. C. No. 11629. Sample No. 53614-F.)

LIBEL FILED: January 21, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 11, 1943, by Fruit Products of America, from Los Angeles, Calif.

PRODUCT: 49 cases, each containing 24 jars, of concentrated orange juice, at Chicago, Ill.

LABEL, IN PART: (Jars) "Four-in-One-Brand Concentrated California Orange Juice. Four Gallons Standardized Orange Juice Concentrated to One Contents 12 Fluid Ounces," or "Four-in-One-Brand Concentrated California Orange Juice. Three Pints Concentrated To Contents 12 Fluid Ounces * * * High in Vitamin 'C' content."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), orange juice which had been concentrated at the rate of approximately three parts of fresh orange juice to one part of concentrated orange juice had been substituted for the article, and in addition (portion), concentrated orange juice low in vitamin C content had been substituted for concentrated orange juice high in vitamin C content.

Misbranding, Section 403 (a), the statements in the labeling, (portion) "Four-in-One * * * Four Gallons Standardized Orange Juice Concentrated to One Contents 12 Fluid Ounces Makes Three Pints Orange Juice," and (portion) "Four-in-One * * * Three Pints Concentrated to Contents 12 Fluid Ounces * * * Add Water to Make Three Pints * * * High in Vitamin 'C' content," were false and misleading as applied to orange juice which had been concentrated at the rate of approximately three parts of fresh orange juice to one part of concentrated orange juice, and (portion) which was low in vitamin C content; and the statement "Contents 12 Fluid Ounces" was false and misleading as applied to the article, which was short volume; Section 403 (b), the article was offered for sale under the name of another food, "Four-in-One Concentrated Orange Juice"; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal agency, for its use and not for sale.

6588. Misbranding of peanut butter. U. S. v. Pacific Food Products Co. Plea of nolo contendere. Fine, \$750 and costs. (F. D. C. No. 11377. Sample Nos. 42854-F, 42878-F, 43116-F.)

INFORMATION FILED: On May 12, 1944, in the Western District of Washington, against the Pacific Food Products Co., a corporation, Seattle, Wash.

ALLEGED SHIPMENT: From on or about June 28 to August 21, 1943, from the State of Washington into the States of Idaho and Oregon.

LABEL, IN PART: "Sunny Jim Brand * * * Contents 2 Lbs."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Contents 2 Lbs.," on the label of the article, was false and misleading as the article contained less than the declared weight; Section 403 (a), the statement on the label, "Processed Rich in Vitamin D", was false and misleading as applied to the article, which contained an inconsequential amount, if any, of vitamin D; Section 403 (e) (2), the article was in package form and did not bear a label containing an accurate statement of the quantity of the contents in terms of weight; and, Section 403 (j), it purported to be and was represented as a food for special dietary use by man by reason of its vitamin properties, and its label did not bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for vitamin D which would be supplied by the food when consumed in a specified quantity during a period of 1 day.

DISPOSITION: May 29, 1944. A plea of nolo contendere having been entered, a fine of \$250 and costs on count 1, and \$250 on each of counts 2 and 3 was imposed.

6589. Adulteration and misbranding of Spark O'Life. U. S. v. 33 Cases of Spark O'Life. Tried to the court. Judgment for the Government. Decree of condemnation and destruction. (F. D. C. No. 10055. Sample No. 3706-F.)

LIBEL FILED: June 7, 1943, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about April 3 and 22, 1943, by the Kansas Milling Co., Wichita, Kans.

PRODUCT: 33 cases, each containing 12 1-pound bottles, of Spark O'Life, at Tulsa, Okla.

LABEL, IN PART: "Spark O'Life New Process, Sugar Coated Treated to Preserve the Rich Qualities of Wheat Germ." (Vignette of football player, baseball player, golfer, and swimmer.)

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance, insect fragments, larvae, and a rodent excreta pellet.

Misbranding, Section 403 (a), the name of the article, "Spark O'Life," was false and misleading since it represented and suggested that the article would have a stimulating effect on the system of the user, whereas use of the article would not have such an effect; and the vignettes and statements in its labeling which represented and suggested that the article was rich in vitamins B, E, and G; that ingestion of the article according to directions afforded one of the best ways of getting necessary amounts of vitamin B₂, E, and G; that the article, when taken as recommended, would be effective in promoting health, alertness, tuning-up the system, keeping a person fit, maintaining proper appetite, promoting normal functioning of nerves and the digestive system, normal growth, and the normal functioning of the reproductive system; that it would be effective in the prevention and treatment of pellagra, dermatitis, cataract, and skin infections; and that it contained an abundance of highly valuable minerals, were false and misleading since the article was not rich in vitamins B, E, and G; when used as recommended it did not afford one of the best ways of getting necessary amounts of vitamins B₂ and G; the need for vitamin E in human nutrition has not been established, and the article was not effective in promoting the benefits mentioned or in the prevention or treatment of the conditions mentioned; and it did not have an abundance of highly valuable minerals; Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear such information concerning its vitamin and mineral properties as has been determined to be and by regulations prescribed as necessary in order fully to inform purchasers of its value for such uses.

DISPOSITION: On September 13, 1943, the Kansas Milling Co., claimant, having filed an answer to the libel and submitted a list of 11 interrogatories, and the Government having filed a motion to quash the interrogatories, the court, after argument of counsel and consideration of authorities, sustained the motion in regard to 8 of the interrogatories and overruled the motion with respect to the other 3, in which information was requested as to (1) the percent of free sugar, wheat bran, starch, insect fragments, and rodent excreta in the product; (2) whether any analytical tests or experiments were made to determine the therapeutic characteristics or vitamin potency of the product; and (3) the basis for the allegations in the libel that the article was not effective in promoting the benefits mentioned and in the prevention and treatment of the conditions mentioned, and that it did not have an abundance of highly valuable minerals.

Answers to these three interrogatories were subsequently filed and on November 12, 1943, the case came on for trial, at the conclusion of which, the court, on November 13, 1943, handed down its findings of fact and conclusions of law incorporated in the following decree of condemnation and destruction:

SAVAGE, District Judge: "This matter coming on for hearing this 12th day of November, 1943, in its regular order and the plaintiff, United States of America, appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and intervener, Kansas Milling Company, appearing by its attorneys, T. E. Scofield and Ray S. Fellows, and all parties announcing ready for trial and the court, after the introduction of evidence and after argument of counsel, finds:

"That the 33 Cases, each containing 12 bottles of an article labeled in part, 1 Lb. Net Weight Spark O' Life and containing a sugar coated wheat germ, was shipped in interstate commerce by the St. Louis-San Francisco Railway Company, on the 3rd day of April, 1943, and on the 22nd day of April, 1943, by shippers truck, said 33 cases having been shipped by the Kansas Milling Company from Wichita, Kansas, to Tulsa, Oklahoma, and was conveyed in interstate commerce and at the time of the filing of the complaint was in the possession of Joe Hodges Warehouse of Tulsa, Oklahoma, which 33 Cases were manufactured by the Kansas Milling Company of Wichita, Kansas.

"The court further finds that said 33 Cases are misbranded in violation of Title 21 U. S. C., Section 343 (a), in the following respects:

"1. That the statement 'A NATURAL FOOD RICH IN VITAMIN B, E AND G' is misleading only in that the term Vitamin B, has no scientific significance.

"2. That the statements 'FOR HEALTH—FOR ZIP—A TUNE-UP!' are merely sales talk and not misleading.

"3. That the statement 'It's one of the best ways of getting necessary amounts of Vitamins B-1, B-2, E, and G,' is misleading with respect to the inclusion of the terms B-2 and G, which are synonymous and tend to indicate that they are two different vitamins.

"4. That the statement 'Vitamin B essential for appetite, normal function of nerves and digestive system, promotes natural growth' is ambiguous in that Vitamin B has no scientific significance.

"5. That the statement on the label as to Vitamin E is misleading.

"6. That the statement 'Essential in prevention of Pellagra, Dermatitis, Cataract' is misleading and that the statement as to skin infection is too broad.

"7. That the statement on the label 'Also an abundance of highly valuable minerals' is misleading.

"The court further finds that said article is misbranded in violation of Title 21 U. S. C., Section 343 (j) in that it purports to be and is represented as a food for special dietary uses by reason of its vitamin and mineral content and that said label fails to bear the necessary information required under the regulations prescribed for label statements concerning dietary properties as promulgated by the Administrator as published in the Federal Register of November 22, 1941.

"The court further finds that the trademark 'SPARK O' LIFE' standing alone or apart from the label is not misleading nor misbranding of the product in violation of Title 21, U. S. C., Section 343 (a).

"The court further finds that all other statements on the label are not misleading.

"The court further finds and concludes for the reasons above stated, that said 33 Cases of Spark O' Life should be condemned, forfeited and confiscated.

"IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the said 33 Cases of Spark O' Life be and the same hereby are condemned, forfeited and confiscated.

"IT IS FURTHER ORDERED, ADJUDGED and DECREED that the said 33 Cases of Spark O' Life be destroyed."

6590. Misbranding of Vbev. U. S. v. 16 Cans of Vbev. Decree of condemnation and destruction. (F. D. C. No. 5457. Sample No. 74285-E.)

LABEL FILED: September 25, 1941, Southern District of New York.

ALLEGED SHIPMENT: On or about July 8, 1941, from Jersey City, N. J., by Health-aids, Inc.

PRODUCT: 16 10-ounce cans of Vbev, at New York, N. Y.

Examination disclosed that the article's content of calcium was 796 milligrams per ounce.

LABEL, IN PART: "Vbev A Food Beverage A Food Supplement Rich In Natural Vitamin B Complex with Vitamins A, D, and Essential Minerals * * * Purity Products Inc. Jersey City New Jersey Ingredients: Diastasic Malt Syrup, Dextrose, Whole Liquid Milk, Tricalcium Phosphate, Ferric Pyrophosphate—Soluble, Molasses, Natural Vitamin B Complex and Vitamin A and D Concentrate."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement on the label, "Not less than the following values for each ounce of Vbev are maintained through periodic laboratory assays * * * Calcium 1000 milligrams," was false and misleading; the statements in the labeling to the effect that Vbev was a new discovery and a new food beverage, developed after years of scientific research and investigation, was false and misleading since the article was merely a combination of well-known foods; and the statements in the labeling which represented and implied that the article was efficacious in the cure, mitigation, treatment, or prevention of nervousness, tiredness, sleeplessness, underweight, infections, digestive disorders such as diarrhea, lack of appetite, gas pains, stunted growth, loss of hair, and general failure in physical well-being; and that it was efficacious to form and preserve strong bones and teeth, develop proper skin tone, prevent night blindness, over-brittle fingernails, dietary anemia, and many skin disorders; that it would protect eyes from degeneration and cataract, promote proper assimilation of calcium and phosphorus, provide quick energy between meals, and aid clotting of blood and red pigmentation of blood; and that it would provide a valuable supplementary

supply of natural vitamin B complex as well as vitamins A and D and the vital minerals, calcium, phosphorus, iron, and copper, were false and misleading since the article was not efficacious for such purposes and conditions.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, reported in drugs and devices notices of judgment, No. 1127.

DISPOSITION: On June 3, 1942, Purity Products, Inc., claimant, filed an answer denying that the product was misbranded. On March 25, 1943, the case having come on for trial before the court, the claimant having failed to appear to defend, and the Government having presented its proof, the court, on April 14, 1943, found that the article was misbranded as alleged in the libel. Judgment of condemnation was entered on April 22, 1943, and the product was ordered destroyed.

6591. Misbranding of Vigor 8. U. S. v. 60 Cases of Vigor 8 and 2,000 Leaflets. Default decree of condemnation and destruction. (F. D. C. No. 9806. Sample No. 37662-F.)

LIBEL FILED: April 19, 1943, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about March 23, 1943, by the Royal Products Co., Chicago, Ill.

PRODUCT: 60 cases, each containing 12 10-ounce jars, of Vigor 8, and 2,000 leaflets entitled "Charles D. Kasher's Health and Beauty Chart," at Detroit, Mich.

Examination showed that the article contained dried brewers' yeast, corn flour, corn germ, and wheat germ.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements, designs, and devices on the labels attached to the jars and in the above-mentioned leaflets were false and misleading since they represented and suggested that the article was of significant nutritional value by reason of the presence of vitamin B₆, vitamin E, and other factors of the B complex as found in brewers' yeast, and the elements potassium, sulfur, sodium, magnesium, copper, zinc, chlorine, and manganese; and that consumption of the product would insure normal functioning of the various organs of the body and would prevent and correct abnormalities of those organs and such disease conditions as cold infection, ulceration, stone formation, cystitis, spasms, cramps, exhaustion, inflammation, paralysis, conjunctivitis, cataract, night blindness, scaliness, dryness and paleness of the skin, skin sores, gum infections, scurvy, loose teeth, and diabetes, whereas the article was not of significant nutritional value by reason of the presence of the vitamins, factors, and elements mentioned, and consumption of the product would not insure normal functioning of the various organs of the body and would not prevent or correct abnormalities of those organs or the disease conditions mentioned and suggested.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 1078.

DISPOSITION: July 16, 1943. No claimant having appeared, judgment of condemnation was entered and the product and the leaflets were ordered destroyed.

6592. Misbranding of Vita Sert (candy). U. S. v. 367 Cases of Vita Sert. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 10453. Sample No. 11550-F.)

LIBEL FILED: August 23, 1943, Northern District of California.

ALLEGED SHIPMENT: On or about July 20, 1943, by the Cook Chocolate Co., from Chicago, Ill.

PRODUCT: 367 cases, each containing 12 boxes of 24 bars each, of Vita Sert (candy), at San Francisco, Calif.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement on the label of the article and on a card enclosed in the boxes containing the bars, "A Bar a Day Supplies Daily Needed Vitamins," was misleading in that it suggested that one bar supplied the minimum daily requirements of each of the vitamins listed, whereas the article supplied not more than three-fourths of the minimum daily requirement of vitamin A, not more than two-thirds of vitamin B₁, and not more than one-half of riboflavin; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses

by reason of its vitamins A, B₁, D, riboflavin, and calcium pantothenate content, and its label failed to state, as required by the regulations, the proportion of the minimum daily requirement of vitamins A, B₁, D, and riboflavin contained in a specified quantity of the article, and that the need for pantothenic acid in human nutrition has not been established.

DISPOSITION: May 18, 1944. The Cook Chocolate Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was subsequently relabeled.

6593. Misbranding of Vitabond Tablets. U. S. v. 63 Cartons of Vitabond Tablets. Default decree of condemnation and destruction. (F. D. C. No. 11881. Sample No. 51278-F.)

LIBEL FILED: February 26, 1941, District of Maine.

ALLEGED SHIPMENT: On or about October 21, 1943, by the Vitabond Vitamin Corporation, from New York, N. Y.

PRODUCT: 63 cartons, each containing 60 packages, of Vitabond Tablets at Portland, Maine.

The article consisted of tablets packed 4 to a cellophane envelope, the cellophane envelope being folded within a leaflet entitled "Vitabond A Vitamin Enriched Spread." Examination of the tablets indicated that they were composed essentially of common table salt, sodium bicarbonate, rennin, and a coal-tar color. Each tablet contained 167 USP units of Vitamin B₁ and 500 micrograms B₂. In the labeling the article was represented to be used in conjunction with butter and milk to make a spread.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements and designs which appeared in the labeling of the article and which represented and suggested that use of the article as directed would result in a product which had the nutritional and other values of butter, and that the tablets would enrich the resulting spread with substantial quantities of vitamin A, vitamin B₁, vitamin D, vitamin B₂, calcium, and phosphorus, were false and misleading since the product made with the tablets did not have the same nutritional value as butter, but was in fact a product containing water in substantially greater proportion than that present in butter, with a correspondingly lower nutritional value; and the tablets did not contribute substantial quantities of vitamins or minerals to the spread; Section 403 (f) the common or usual name of each ingredient, the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents, were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase, since such information appeared on the inside of the leaflet label, whereas it should have appeared on the principal display portion of the leaflet label; and, Section 403 (j), the article purported to be a food for special dietary use by man by reason of its vitamin A, vitamin B₁, vitamin B₂, vitamin D, calcium, and phosphorus content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of such vitamins and minerals furnished by a specified quantity of the product customarily or usually consumed during a period of 1 day, or a quantity reasonably suitable for and practicable of consumption within such period.

DISPOSITION: March 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6594. Misbranding of Vitality Vitamins. U. S. v. 41 Cartons of Vitality Vitamins. Default decree of condemnation and destruction. (F. D. C. No. 9408. Sample No. 13263-F.)

LIBEL FILED: March 13, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about December 31, 1942, from Chicago, Ill., by the Belmont Laboratories.

PRODUCT: 41 cartons, each containing 20 boxes of 7 capsules each, of Vitality Vitamins, at Seattle, Wash.

LABEL, IN PART: "Vitality Vitamins Contain Vitamins A·B₁·D·G (B₂)."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), certain statements on the cartons and individual boxes and in a circular entitled "Know Your Vitamins," inserted in each carton, were false and misleading since they represented and

suggested that the article was efficacious in the correction or prevention of lowered resistance, coughs, colds, retarded growth, loss of weight, eye diseases, intestinal disorders, nervousness, constipation, slow heart rate, loss of appetite, reduced well being, dental decay, poor tooth development, rickets, and soft bones, whereas the article was not so efficacious; and the said statements compared the vitamin content of the article with that of eggs, milk, and bananas, and, when read in connection with the statements in the labeling with respect to the loss of vitamins from ordinary foods in the usual manner of preparation, they represented and suggested that it is not practicable to obtain an adequate amount of vitamins through the consumption of ordinary food as usually prepared, whereas adequate amounts of vitamins can be obtained through the consumption of ordinary food as usually prepared; Section 403 (d), the carton and boxes containing the article were so filled as to be misleading since they contained fewer units than the size of the containers indicated were included therein; Section 403 (j), the article purported to be and was represented as a food for special dietary use by reason of its vitamin content, and its label failed to bear a statement of the proportion of the minimum daily requirement of riboflavin, vitamin G (B₂), furnished by a specified quantity of the food when consumed as directed during a period of 1 day; and, Section 403 (f), the information concerning its vitamin, mineral, and other dietary properties, required under authority of Section 403 (j), was not prominently placed on the label with such conspicuousness (as compared with other statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1080.

DISPOSITION: September 16, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6595. Misbranding of Vitamato. U. S. v. 866 Cases of Vitamato. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11766. Sample No. 40978-F.)

LIBEL FILED: On or about February 10, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about August 11, 1943, by the Login Corporation, from San Francisco, Calif.

PRODUCT: 866 cases, each containing 48 12-ounce bottles, of Vitamato.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the vignette of a tomato, the name "Vitamato," and the statements, "A Delicious Refreshing Cocktail made from tomatoes * * * Contains Vitamins A, B & C," which appeared on the labels of the article, were false and misleading since they represented and suggested that the article was a tomato juice cocktail, a product generally understood to be tomato juice with added spices, and that it contained nutritionally consequential amounts of vitamins A, B, and C in the amounts normally present in tomato juice or tomato juice cocktail, whereas the article was made from tomato paste, water, spices, and dextrose, and contained substantially smaller amounts of vitamins A, B, and C than are present in tomato juice or tomato juice cocktail, and insignificant amounts of vitamins B and C; and the statement on the label, "Enriched with Dextrose" was misleading since it suggested that the nutritional value of the article had been significantly improved by the addition of dextrose, whereas the nutritional value of the article had not been significantly improved by the addition of dextrose.

DISPOSITION: March 13, 1944. The Login Corporation, claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

6596. Adulteration of vitamin capsules. U. S. v. 2 Cartons of Vitamin Capsules. Default decree of condemnation and destruction. (F. D. C. No. 12287. Sample No. 60061-F.)

LIBEL FILED: May 1, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about November 17, 1943, from Detroit, Mich.

PRODUCT: 2 cartons, each containing 30,000 vitamin capsules, at San Francisco, Calif.

The two cartons were damaged in transit and the contents was scattered on the car floor. The capsules were swept up and returned to the cartons.

Examination showed that the capsules contained a soft, black, gummy mass, probably consisting of the contents of some capsules with adhering dirt. Small sticks of dirty wood and other debris were also present.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: August 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6597. Adulteration and misbranding of Vitamin Concentrates, Vitamin Concentrate Capsules, and Sun-Glow Cod Liver Oil Concentrate Tablets. U. S. v. Brewer & Co., Inc. Plea of guilty. Fine, \$150. (F. D. C. No. 7306. Sample Nos. 51635-E, 75735-E, 75736-E.)

INFORMATION FILED: On October 8, 1942, in the District of Massachusetts, against Brewer & Co., Inc., Worcester, Mass.

ALLEGED SHIPMENT: From the State of Massachusetts into the State of Connecticut on or about November 7, 1940, and into the State of Maine on or about April 16 and July 15, 1941.

VIOLATIONS CHARGED: Adulteration of Vitamin Concentrates, Section 402 (b) (1), in that a valuable constituent, Vitamin D, had been in whole or in part omitted or abstracted therefrom. The article was alleged to be misbranded, Section 403 (a), in that the statement in its labeling, "Each Light Capsule contains * * * 1500 Vitamin D Units U. S. P.," was false and misleading since the article contained not more than 1,200 Vitamin D units U. S. P. per capsule; and in that the statements "Vitamin Concentrates * * * G(B/2) * * * Each Dark Capsule contains * * * G," were misleading since they suggested and created the impression in the mind of the reader that the article contained sufficient vitamin G (B₂) to contribute in an important respect to the daily requirement of the body for that vitamin, whereas the article contained an inconsequential amount of vitamin G.

Adulteration of the Vitamin Concentrate Capsules, Section 402 (b) (1), was alleged in that valuable constituents, vitamin D and vitamin B₁, had been in part omitted or abstracted therefrom. This article was alleged to be misbranded, Section 403 (a), in that the statements in its labeling, "Each capsule is equivalent * * * to * * * 3 teaspoonfuls of U. S. P. XI Cod Liver Oil assaying 85 U. S. P. XI units of Vitamin D per gram. * * * Each capsule contains not less than * * * Vitamin D 1,000 units U. S. P. XI. Vitamin B₁ 50 International Units (approx. equivalent to 100 Sherman units)," were false and misleading since the article did not contain, in each capsule, vitamin D equivalent to the amount contained in 3 teaspoonfuls of U. S. P. XI cod liver oil assaying 85 U. S. P. XI units of vitamin D per gram, and it did not contain more than 700 U. S. P. XI Units of vitamin D per capsule, or more than 25 International Units of vitamin B₁ per capsule. It was alleged to be misbranded further, Section 403 (a), in that the statement in its labeling, "Containing Vitamins * * * G," was misleading, since it suggested and created in the mind of the reader the impression that the article contained vitamin G in an amount sufficient to contribute in an important respect to the daily requirement of the body for vitamin G, whereas the article contained an inconsequential amount of vitamin G.

Adulteration of the Cod Liver Oil Concentrate Tablets, Section 402 (b) (1), was alleged in that valuable constituents, vitamins A and D, had been, in whole or in part omitted or abstracted therefrom. The article was alleged to be misbranded, Section 403 (a), in that the statements in its labeling, "Each tablet contains not less than 3140 U. S. P. XI units Vitamin A and 314 units of Vitamin D," and "these tablets are biologically standardized to contain not less than 3140 U. S. P. XI units Vitamin A and 314 U. S. P. XI units Vitamin D per tablet," were false and misleading since each tablet contained not more than 2,740 U. S. P. XI units of Vitamin A and not more than 235 U. S. P. XI units of Vitamin D, and the tablets had not been biologically standardized to contain the labeled amounts of vitamins A and D. It was alleged to be misbranded further, Section 403 (a), in that the statements in its labeling which represented and suggested that the article would be efficacious in the prevention and treatment of disease in man by increasing general resistance and toning the system, and that it would develop strong bones and good teeth, were false and misleading since the article would not be efficacious for such purposes.

The Cod Liver Oil Concentrate Tablets were also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 1013.

DISPOSITION: On October 5, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$150.

6598. Misbranding of Vitaminerals VM No. 1. U. S. v. John Francis Gorman (Vitaminerals Company). Plea of nolo contendere. Fine, \$1,000 on 2 counts, and probation for 1 year on 3 counts. (F. D. C. No. 8791. Sample No. 81451-E.)

INFORMATION FILED: On April 30, 1943, in the Southern District of California, against John Francis Gorman, trading as the Vitaminerals Co., Los Angeles, Calif.

ALLEGED SHIPMENT: On or about May 5, 1942, from the State of California into the State of Colorado of a quantity of the above-named product.

PRODUCT: Examination of Vitaminerals VM No. 1 disclosed that this article was in the form of orange-colored tablets, containing a large proportion of rhubarb root tissues, together with Irish moss tissues (*Chondrus*), okra tissues, cranberry fruit tissues, parsley leaf tissues, and acid-insoluble material.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that the statements in its labeling which created in the mind of the reader the impression that the article was a supplement in the dietary treatment of constipation; that the ingredient rhubarb root was a food; and that the article derived its physiological activity principally from concentrates and extracts from common vegetables used for food purposes and from vitamins, were misleading since the article was not a supplement in the dietary treatment of constipation but was a laxative drug; the ingredient rhubarb root is not a food but is a drug; and the article did not derive its physiological activity principally from concentrates and extracts from common vegetables used for food purposes and from vitamins, but derived its physiological activity principally from the plant drug rhubarb.

It was alleged to be misbranded further because of the false and misleading statements in its labeling which represented and suggested that the article would be efficacious as a dietary treatment of constipation; that it possessed anti-infective value; that it would be an efficacious tonic treatment for the smooth muscle; that it would facilitate the changing of the colonic flora so as to reduce the colonic bacilli count and the resulting inflammation of the colonic mucosa; that it would promote peristaltic activity, and act practically in the treatment of constipation; that it would produce normal elimination; and that it would be efficacious in the primary treatment of hemorrhoids, in the secondary treatment of arthritis due to excess calcium, and arthritis due to systemic origin, colds, neuralgia, neurosis, obesity, and tonsillitis.

The article was alleged to be misbranded further (1) in that the name "Vitaminerals" was misleading since it suggested and created the impression in the mind of the reader that the article derived its physiological activity solely from vitamins and minerals and contained no other physiologically active ingredients, whereas the article contained rhubarb root from which it derived its principal physiological activity; (2) in that the statement in its labeling, "We hereby guarantee that all Vitamineral products listed herein are not adulterated or misbranded within the meaning of the Federal, Food, Drug, and Cosmetic Act of June 25, 1938," was false and misleading since the article was misbranded within the meaning of such Act; and (3) in that its labeling was misleading since it failed to reveal the material fact that the principal physiological activity of the article was derived from the laxative drug, rhubarb root.

The article was alleged to be misbranded further in that the statements in its labeling, "Ash (Mineral matter*) 22.20%," and "Mineral Matter includes: Calcium 2.18% Phosphorus 0.82% Potassium 1.15% Sodium 0.67% Magnesium 0.34% Chlorine 0.03% Sulphur 0.51% Manganese 0.0023% Iron 0.115% Copper 0.0013% Iodine 0.0002%," were misleading since they suggested and created the impression in the mind of the reader that the article contained the minerals listed therein in amounts which, when taken in accordance with directions on the bottle label, "Two to four tablets, one or two before breakfast and upon retiring," would furnish the minerals in quantities sufficient to contribute in an important respect to the daily requirement of the body for those minerals, whereas the article contained inconsequential amounts of potassium, sodium, chlorine, magnesium, sulfur, manganese, and copper; and four tablets, the maximum amount recommended in the directions, would furnish less than one-thirtieth the minimum daily requirement of the body for phosphorus, less than one-tenth the minimum daily requirement for

calcium, less than one-fifth the daily requirement for iodine, and less than one-third the minimum daily requirement for iron.

The information alleged misbranding of the article, three other drug products, and a device, under the provisions of the law applicable to drugs and devices as reported in the notices of judgment on drugs and devices, No. 1041.

DISPOSITION: On September 27, 1943, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$500 on count 1 of the information, which involved charges against the "Vitaminerals VM No. 1" both as a food and a drug; and \$500 on Count 3, which involved a drug; and placed the defendant on probation with respect to the remaining 3 counts, which involved drugs and the device.

6599. Misbranding of Wel-being. U. S. v. 288 Tins and 24 Tins of Wel-being. Default decree of condemnation and destruction. (F. D. C. No. 9554. Sample No. 12942-F.)

LIBEL FILED: March 17, 1943, District of New Jersey.

ALLEGED SHIPMENT: On or about February 18, 1943, from Portland, Oreg., by the Wel-being Co.

PRODUCT: 288 3-ounce tins and 24 12-ounce tins of Wel-being, at New Brunswick, N. J.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the name of the article, "Wel-being," and certain statements in its labeling were false and misleading since the name and statements represented and suggested that the article, when taken as directed by cats, dogs, pets, and fur-bearing animals, would create a feeling of well-being and was a highly concentrated food treatment and supplement; that it was a concentrated food and tonic; that it would aid condition; that it would overcome itching and scratching; that it would aid in body building; that it would restore energy; that it would promote a glossy coat; that it would remove intestinal parasites; that it would aid in whelping and produce vigorous litters; that it would stimulate the appetite; that it was an appetizing nutritional concentrate; that it would prevent skin irritations due to diet deficiency; that it would be effective in stubborn cases; that it would increase body weight; that it was a protective food; that it would supply needed food elements; that it was an appetizing addition to regular rations; that it would avoid starving and dangerous methods of treatment; that it would replace recognized medicinal treatment; that it was a new, simple, scientific pet treatment for any condition; that it would be effective for all worms and seasonal skin infections, poor condition, watery eyes, hair falling out, lack of pep, and poor appetite; and that it would maintain good health and guard against worms, whereas the article was not a product of the nature so represented and suggested, and would not accomplish the results claimed.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 1094.

DISPOSITION: On July 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6600. Misbranding of Western Spinach Tablets. U. S. v. Harry Clayton House (Western Natural Foods Co.) Plea of guilty. Fine of \$100 on count 1, involving a drug product, and \$50 and costs on count 2, involving the spinach tablets. (F. D. C. No. 9653. Sample No. 30613-F.)

INFORMATION FILED: On July 30, 1943, in the Western District of Washington, against Harry Clayton House, trading as the Western Natural Foods Co., Seattle, Wash.

ALLEGED SHIPMENT: On or about September 3 and October 17, 1942, from the State of Washington into the State of Idaho.

PRODUCT: Analysis of the spinach tablets showed that they consisted essentially of dried or powdered spinach.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement in the labeling of the article which represented and suggested that it would be efficacious in the cure, mitigation, treatment, or prevention of blood disorders and anemia was false and misleading since it would not be so efficacious.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs as reported in notice of judgment on drugs, No. 1083.

DISPOSITION: On August 30, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$100 on count 1 of the information, relating to another drug product, and \$50 and costs on count 2, relating to the spinach tablets.

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Barley, roasted, malted (coffee sub-		diments.	
stitute)	1 6403	Flour	6424-6436
Beans, soy	6445	Fried cake mix	6431
Beets, pickled	6517	Fruit cake	6412
Beverages and beverage materials	1 6401-	Fruits and vegetables	6404, 6405, 6414,
6406, 6584, 6585, 6587, 6590, 6595		6435, 6506-6536, 6587, 6595, 6600	
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Celery salt	6567	Kosher meal	6440
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		Pineapple, drink, with orange	6405
		pie	6414
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		Preserves. <i>See</i> Jellies, preserves, and	
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1 (6403) Seizure contested. Contains opinion of the court.

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² (6589) Seizure contested. Contains find-
ings of fact and conclusions of law.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		
Ambrose, L. G.:		Booth Fisheries Corp.:	
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Worcestershire style sauce-----	6574	unshelled pecans-----	6551
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Bain Peanut Co. of Texas:		sesame seed-----	6569
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Banco de Baja California:		Busalacchi Bros.:	
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Nutraco No. 4-----	6586	granulated soy beans-----	6445
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Peptolac and Swanja-----	6576	frozen peaches-----	6511
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Block Bros.:		chocolate liquor-----	6453
black walnut meats-----	6555	Clover Leaf Dairies:	
Bohannon, W. C., Canning Co.:		butter-----	6473
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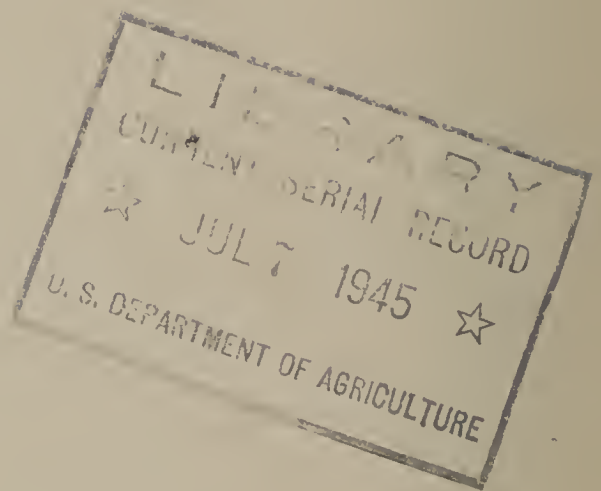
Colonial Stores, Inc.:		Gioia Macaroni Co., Inc.:	
bread, rye and whole wheat-----	6411	spaghetti and macaroni-----	6408
peanut butter-----	6546	Glaser, Crandell Co., Inc.:	
Commercial Terminal Warehouse Co.,		soy sauce-----	6573
Inc.:		Glorioso Corp.:	
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Cook Chocolate Co.:		Golden State Co., Ltd.:	
Vita Sert-----	6592	butter-----	6470
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Decatur Milling Co., Inc.:		canned peas-----	6521
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Denison Poultry & Egg Co.:		Griswold, R. W.:	
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Brazil nut pieces-----	6539	figs-----	6508
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Durand Canning Co.:		Vbev-----	6590
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Ehrat Cheese Co.:		candy-----	6447
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Ewing Mill Co.:		almonds-----	6537
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Faehndrich, Wm., Inc.:		butter-----	6462
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Fairmont Creamery Co.:		walnut meats-----	6553
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Farmers Union Cooperative Cream-		Limburger cheese-----	6480
ery:		Hogue, Geo., Mercantile Co.:	
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Farmers Union Cooperative Cream-		Hostetter, E. B., Co.:	
ery Co.:		popcorn-----	6441
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Five-Boro Baking Co.:		coconut, sweetened-----	6540
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		canned peas-----	6522

¹ (6403) Seizure contested. Contains opinion of the court.

² (6589) Seizure contested. Contains findings of fact and conclusions of law.

Kerr, O. H.:		Nordstrom, C. A.:	
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King Fish Co.:		canned peas	6526
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Kitchen Products, Inc.:		peanut butter	6588
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Lascelles, de Mercado & Co., Ltd.:		Pella Produce Co.:	
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La Victoria Packing Co. <i>See</i> Baca, Pablo.		cumin seed	6562
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Merchants Creamery Co.:		Robertson Mill Co.:	
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Meredith Fish Co.:		Robertson Peanutt Co.:	
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Nog Vitamized Health Food	6585	frozen shrimp	6502

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South Quay Peanut Co.:		canned peaches -----	6509
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Southern Gold Cheese Co.:		chocolate-flavored mix -----	6584
Cheddar cheese -----	6476	Vernon Roller Mills:	
Southern Transfer & Storage Co.:		corn meal -----	6420
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Springfield Sugar & Products Co.:		frozen eel pout fillets -----	6489
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Staley, A. E., Manufacturing Co.:		sion):	
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Starr Fruit Products Co.:		Weigel Bros.:	
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Stockholm Co-op Creamery:		Wel-being Co.:	
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Sugar Creek Creamery Co.:		Western Natural Foods Co. <i>See</i>	
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Sunette Cheese Corp.:		Western Refrigerating Co.:	
process cheese -----	6481	frozen mullet fillets -----	6495
Swarthout, Jake:		Whaling City Fisheries:	
corn meal -----	6420	frozen eel pout fillets -----	6490
Tampa Macaroni Corp.:		White House:	
macaroni and spaghetti -----	6409	pies -----	6414
Tellam, Wm., Co., Inc.:		Whitehall Food Manufacturing Corp.:	
peanut butter -----	6546	imitation maple sirup -----	6455
Terminal Refrigerating & Warehous-		Wilbur-Suchard Chocolate Co., Inc.:	
ing Corp.:		chocolate liquor -----	6453
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Thompson, J. H.:		plain flour and self-rising flour --	6428
unshelled pecans -----	6551	Woodford Products, Inc.:	
		fruit spreads -----	6516



FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

6601-6800

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., April 17, 1945.

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BEVERAGES AND BEVERAGE MATERIALS*

6001. Adulteration of coffee. U. S. v. 605 Bags of Coffee. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12002. Sample Nos. 61469-F, 61470-F.)

LIBEL FILED: March 13, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: From Paranagua, Republic of Brazil; arrival at New Orleans, La., on or about July 31, 1943.

PRODUCT: 605 132-pound bags of coffee at New Orleans, La., formerly in possession of the Standard Warehouse.

The product had been stored under insanitary conditions at the Standard Warehouse. Some of the bags had been cut by rodents and contained urine stains. Examination disclosed that the product contained rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 18, 1944. Westfeldt Bros., New Orleans, La., claimant, having admitted the allegations of the libel, judgment of condemnation was

*See also Nos. 6657, 6658, 6796.

entered and the product was ordered released under bond to be cleaned and brought into compliance with the law under the supervision of the Food and Drug Administration.

6602. Misbranding of coffee. U. S. v. Theodore Manos (Overland Coffee Company). Plea of guilty. Fine, \$100. (F. D. C. No. 10535. Sample No. 31922-F.)

INFORMATION FILED: On September 3, 1943, in the Southern District of Ohio, against Theodore Manos, trading as the Overland Coffee Co., Columbus, Ohio.

ALLEGED SHIPMENT: On or about December 15, 1942, from the State of Ohio into the State of Kentucky.

LABEL, IN PART: "Special Blend. Overland Coffee Co."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements "Special Blend," and "Overland Coffee Co.," borne on the bags containing the article, were misleading in that they represented and suggested that the article consisted of a special blend of coffee, whereas it consisted of a mixture of coffee and chicory; Section 403 (b), the article was offered for sale under the name of another food, "Blend Coffee"; Section 403 (e) (2), it was in package form and the packages bore no statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient.

DISPOSITION: April 10, 1944. The defendant having entered a plea of guilty, a fine of \$100 was imposed.

6603. Adulteration and misbranding of canned orange juice. U. S. v. 12 Cases and 24 Cases of Canned Orange Juice. Default decree of condemnation and destruction. (F. D. C. No. 12945. Sample Nos. 63429-F, 63449-F.)

LIBEL FILED: On or about July 15, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about April 11, 1944, by the Domino Canning Association, from Bradenton, Fla.

PRODUCT: 12 cases, each containing 24 cans, and 24 cases, each containing 12 cans, of orange juice at Atlanta, Ga.

LABEL, IN PART: (Cans) "Domino Brand Fancy Grade 'A' Florida Orange Juice."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of decomposed fruit material, maggots, fly eggs, and insects; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (a), the statements on the label of the article, "Fancy Grade 'A' * * * carefully extracted from prime selected tree-ripened oranges * * * Especially recommended for infants and invalids," were false and misleading as applied to a filthy product, prepared under insanitary conditions.

DISPOSITION: September 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6604. Adulteration of V-8 Cocktail Vegetable Juices. U. S. v. 400 Cases of Cocktail Vegetable Juices. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11947. Sample No. 62790-F.)

LIBEL FILED: March 1, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: Between August and September, 1943, by Standard Brands, Inc., (Loudon Division), from Terre Haute, Ind.

PRODUCT: 400 cases, each containing 12 1-quart, 14 fluid ounce cans, of cocktail vegetable juices at St. Louis, Mo.

Examination showed that the article was fermented and decomposed.

LABEL, IN PART: "V-8 Cocktail Vegetable Juices."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 3, 1944. Standard Brands, Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

CEREALS AND CEREAL PRODUCTS

ALIMENTARY PASTES*

6605. Adulteration of egg noodles. U. S. v. 17 Cases and 17 Cases of Egg Noodles. Default decree of forfeiture and destruction. (F. D. C. No. 12967. Sample Nos. 68052-F, 68053-F.)

LIBEL FILED: July 19, 1944, Southern District of Indiana.

ALLEGED SHIPMENT: On or about February 14 and April 25, 1944, by the Mercurio Brothers Spaghetti Manufacturing Co., from St. Louis, Mo.

PRODUCT: Egg noodles: 17 cases of medium and 17 cases of fine, each case containing 12 8-ounce packages, at Evansville, Ind.

LABEL, IN PART: (Packages) "A. B. C. Brand Pure Egg Noodles * * * Packed For A. Bromm & Company, Evansville, Ind."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, cast skins, and insect excreta.

DISPOSITION: September 12, 1944. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed. Destruction was effected by feeding the product to hogs.

6606. Adulteration of egg noodles. U. S. v. 12 Boxes of Egg Noodles. Default decree of forfeiture and destruction. (F. D. C. No. 12966. Sample No. 68051-F.)

LIBEL FILED: July 19, 1944, Southern District of Indiana.

ALLEGED SHIPMENT: On or about March 14, 1944, by the Michigan Macaroni Manufacturing Co., from Detroit, Mich.

PRODUCT: Egg noodles: 12 boxes, each containing 12 12-ounce packages, at Evansville, Ind.

LABEL IN PART: (Packages) "Bakers Twist Michigan Fine Quality Pure Egg Noodles."

VIOLATION CHARGED: Adulteration, Section 402(a)(3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, cast skins, and insect excreta.

DISPOSITION: September 12, 1944. No claimant having appeared, judgment of forfeiture was entered, ordering destruction of the product.

6607. Adulteration of egg noodles. U. S. v. 31 Cases and 87 Cases of Egg Noodles. Decree of condemnation and destruction. (F. D. C. No. 12120. Sample No. 43797-F.)

LIBEL FILED: On or about May 5, 1944, District of Kansas.

ALLEGED SHIPMENT: On or about January 5, 1944, by the Midwest Macaroni Mfg. Co., from Kansas City, Mo.

PRODUCT: Egg noodles: 31 cases, each containing 12 1-pound packages, and 87 cases, each containing 24 8-ounce packages, at Topeka, Kans.

LABEL, IN PART: (Packages) "Midwest Brand Midwest Pure Egg Noodles."

VIOLATION CHARGED: Adulteration, Section 402(a)(3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments.

DISPOSITION: April 6, 1944. The owner of the product having admitted the adulteration, judgment of condemnation was entered and the product was ordered destroyed. Destruction of the product was effected by conversion into hog feed.

6608. Adulteration of egg noodles. U. S. v. 69 Boxes, 76 Boxes, and 192 Cases of Egg Noodles. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11851. Sample Nos. 48175-F to 48178-F, incl., 48180-F.)

LIBEL FILED: February 21, 1944, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about September 10 and December 21, 1943, by the St. Louis Macaroni Manufacturing Co., Inc., from St. Louis, Mo.

PRODUCT: 192 cases, each containing 24 8-ounce packages, of egg noodles, and 145 10-pound boxes of egg noodles at Nashville, Tenn.

LABEL, IN PART: (Packages) "St. Louis Brand * * * Egg Noodles."

*See also No. 6783.

VIOLATIONS CHARGED: Adulteration, Section 402(a)(3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, fragments resembling rodent hairs, and insect fragments; and, Section 402 (a)(4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 6, 1944. The St. Louis Macaroni Manufacturing Co., Inc., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered delivered to the claimant under bond, to be used for hog and chicken feed under the supervision of the Food and Drug Administration.

6609. Adulteration and misbranding of egg noodles. U. S. v. 30 Cartons and 27 Cartons of Egg Noodles (and 1 other seizure action against egg noodles). Default decrees of condemnation and destruction. (F. D. C. Nos. 12134, 12155. Sample Nos. 51197-F, 51198-F, 76019-F.)

LIBELS FILED: On or about April 3 and 7, 1944, Southern District of New York and District of Delaware.

ALLEGED SHIPMENT: From on or about January 28 to February 10, 1944, by the Kurtz Brothers Corporation, Bridgeport, Pa.

PRODUCT: Egg noodles: 57 10-pound cartons at New York, N. Y., and 40 cases, each containing 12 1-pound bags, at Wilmington, Del.

Analysis showed that the article contained, in the Wilmington lot, less than 2 percent and, in the New York lot, less than 1.5 percent of egg solids. It is the general trade and consumer understanding that egg noodles shall contain not less than 5.5 percent of egg solids.

LABEL, IN PART: "Pasquelina Brand Dist. By B. Mandel Pure Egg Folded Noodles," or "Kurtz King Brand Pure Egg Noodles."

VIOLATIONS CHARGED: Adulteration, Section 402(b)(1), a valuable constituent, egg, had been in whole or in part omitted from the article; and, Section 402(b)(2), a substance, noodles, deficient in egg solids, had been substituted in whole or in part for egg noodles, which the article was represented to be.

Misbranding, Section 403(a), the statement "Pure Egg Noodles" was false and misleading as applied to the article, which was deficient in egg solids.

DISPOSITION: April 24 and 28, 1944. No claimant having appeared, judgments of condemnation were entered and the article was ordered destroyed.

6610. Adulteration of macaroni. U. S. v. 197 Cartons and 733 Cases of Elbow Macaroni. Default decree of condemnation. Product ordered delivered to charitable institutions, for denaturing and use as animal feed. (F. D. C. No. 11909. Sample Nos. 61099-F, 61100-F, 61441-F.)

LIBEL FILED: February 28, 1944, Western District of Texas.

ALLEGED SHIPMENT: On or about April 6, 1943, by the Kentucky Macaroni Co., Inc., from Louisville, Ky.

PRODUCT: 197 cartons, each containing 10 pounds, of macaroni, and 733 cases, each containing 24 6-ounce cartons, of macaroni at San Antonio, Tex.

LABEL, IN PART: (Carton) "Rex [or "Jay-Tee Brand"] Elbow Macaroni."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, insect excreta, rodent excreta, and rodent hairs.

DISPOSITION: April 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions, for denaturing and use as animal feed.

6611. Adulteration of macaroni and spaghetti. U. S. v. 9 Boxes of Macaroni (and 1 other seizure action against macaroni and spaghetti). Default decrees of condemnation and destruction. (F. D. C. Nos. 12750, 13508. Sample Nos. 68019-F, 68021-F, 68022-F, 75576-F.)

LIBELS FILED: June 27 and September 5, 1944, Southern District and Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 17 and June 16, 1944, by the Viviano Brothers Macaroni Co., Detroit, Mich.

PRODUCT: 9 20-pound boxes of macaroni at Youngstown, Ohio, and 43 cases, each containing 24 16-ounce cellophane bags, of spaghetti, 6 boxes, each containing 20 pounds, of spaghetti, and 2 boxes, each containing 20 pounds, of macaroni at Columbus, Ohio.

LABEL, IN PART: (Bags or boxes) "Viviano Brand [or "Blue Rose Brand"] * * * Vivison Macaroni Co., Inc. * * * Detroit, Michigan."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of larvae, cast skins, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: September 14 and October 10, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

6612. Adulteration of spaghetti and macaroni. U. S. v. 563 Cases of Macaroni, and 32 Cases and 84 Cases of Spaghetti (and 3 other seizure actions against macaroni and spaghetti). Decrees of condemnation. One lot ordered delivered to a government agency, to be used for rat food or rat poison bait; remaining lots ordered released under bond. (F. D. C. Nos. 11059, 11247, 11285, 11465. Sample Nos. 3779-F to 3782-F, incl., 43356-F, 43357-F, 43822-F to 43824-F, incl., 58213-F to 58220-F, incl.)

LABEL FILED: Between November 2 and December 23, 1943, District of Colorado and Western District of Oklahoma.

ALLEGED SHIPMENT: From on or about February 18 to October 21, 1943, by the Gooch Food Products Co., from Lincoln, Nebr.

PRODUCT: 372 cases of spaghetti and 836 cases of macaroni at Oklahoma City, Okla., and 64 cases of spaghetti, 318 cases of macaroni, and 177 cases of spaghetti or macaroni at Denver, Colo.

LABEL, IN PART: "Triumph Brand Spaghetti [or "Shell Macaroni," or "Elbow Macaroni"]," "Macaroni Products Gooch's Best," "Altitude Brand Spaghetti [or "Macaroni"]," or "Target Brand Ready-Cut Spaghetti [or "Elbow Macaroni"] Distributed by Lincoln Mills, Lincoln, Neb."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent hairs, rodent hair fragments, fragments resembling rodent hairs, insects, larvae, insect fragments, and dirt; and, Section 402 (a) (4), a portion of the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 21, 1944. The Oklahoma cases having been consolidated, and the Gooch Food Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into poultry or livestock feed, under the supervision of the Food and Drug Administration. No claimant having appeared for the Denver lot, judgment of condemnation was entered on March 2, 1944, and the product was ordered sold to be denatured for use as animal food, under the supervision of the Food and Drug Administration. No purchaser having been found, an amended decree was entered on March 27, 1944, ordering the product delivered to a government agency, to be used in the preparation of rat food or rat poison bait.

BAKERY PRODUCTS*

6613. Adulteration of bakery products. U. S. v. Loose-Wiles Biscuit Co. Plea of guilty. Fine, \$3,500. (F. D. C. No. 11393. Sample Nos. 44215-F, 56065-F, 57030-F, 57041-F, 57307-F, 57313-F, 57316-F.)

INFORMATION FILED: On May 24, 1944, in the Eastern District of New York, against the Loose-Wiles Biscuit Co., a corporation, Long Island City, N. Y.

ALLEGED SHIPMENT: From on or about April 9, 1943, to January 4, 1944, from the State of New York into the State of New Jersey.

LABEL, IN PART: "Krispy * * * Crackers," "Sunshine Kosher Crackers," "Cracker Meal," "Clover Leaves," "Sunshine * * * Hydrox," "Chocolate Nuggets."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following types of filth: Larvae, insect fragments, larva or insect heads, rodent hair fragments, cat hair fragments, a rodent-type hair fragment, a human hair fragment, and a feather barbule; and, Section 402 (a) (4), they had been

*See also No. 6800.

prepared, packed, or held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: On June 23, 1944, a plea of guilty was entered and a fine of \$500 was imposed on each of 7 counts, a total fine of \$3,500.

6614. Adulteration and misbranding of bakery products. U. S. v. Fred N. Malouff (Freddie's Bakery). Plea of guilty. Fine, \$500. (F. D. C. No. 11331. Sample Nos. 15347-F, 15348-F, 15350-F to 15352-F, incl., 16166-F to 16171-F, incl.)

INFORMATION FILED: On February 11, 1944, in the District of Colorado, against Fred N. Malouff, trading as Freddie's Bakery, at Trinidad, Colo.

ALLEGED SHIPMENT: On or about March 24 and May 4, 1943, from the State of Colorado into the State of New Mexico.

LABEL, IN PART: "Freddie's * * * White [or "Wheat"] Bread," "Freddie's Bakery Cup Cakes," or "Freddie's Oven Fresh Sponge Cake [or "Sweet Rolls," "Vienna Bread," "Bread Donuts," or "Cinnamon Rolls"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of one or more of the following types of filth: Insect fragments, a larva, rodent hairs, rodent-type hairs, feather barbules, threads, carbon, seta, and nondescript material; and, Section 402 (a) (4), they had been prepared, packed, or held under insanitary conditions whereby they may have become contaminated with filth.

Misbranding (one lot of white bread), Section 403 (a), the statement "16 Ozs. Or Over," borne on the wrappers, was false and misleading since the wrappers contained less than 16 ounces of bread; and, Section 403 (e) (2), it was in package form and did not bear a label containing an accurate statement of the quantity of the contents in terms of weight.

DISPOSITION: April 1, 1944. A plea of guilty having been entered, a fine of \$100 was imposed on each of 5 counts, a total fine of \$500.

6615. Misbranding of cookies. U. S. v. Neumans, Inc. (Cal-Ray Bakeries). Plea of guilty. Fine, \$20. (F. D. C. No. 11391. Sample Nos. 39444-F, 39461-F.)

INFORMATION FILED: On April 26, 1944, in the Southern District of California against Neumans, Inc., trading as the Cal-Ray Bakeries, Glendale, Calif.

ALLEGED SHIPMENT: On or about July 27 and August 10, 1943, from the State of California into the State of Arizona.

LABEL, IN PART: "CalRay Cookies Betterettes [or "Cocoanut Wafer"]."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements on the labels of the article, "A delicious tasty cocoanut treat made with * * * Cocoanut," or "Cocoanut Wafer * * * made with * * * cocoanut," were false and misleading since the article did not contain coconut.

DISPOSITION: May 8, 1944. The defendant having entered a plea of guilty, a fine of \$10 was imposed on each of 2 counts, a total fine of \$20.

6616. Misbranding of crackers. U. S. v. 1,146 Dozen Boxes of Crackers. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11980. Sample Nos. 47379-F, 47380-F, 72501-F to 72503-F, incl.)

LIBEL FILED: March 10, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: From on or about February 7 to 24, 1944, by the Union Biscuit Co., from St. Louis, Mo.

PRODUCT: 271 dozen 1-pound boxes of graham crackers, and 450 dozen 2-pound boxes and 425 dozen 1-pound boxes of salted crackers at Memphis, Tenn.

LABEL, IN PART: (Boxes) "Honey Flavored Graham Crackers * * * Weight One Pound," or "Princess Crackers Salted Weight One Pound [or "Two Pounds"]."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements in the labeling of the article, "Weight One Pound," or "Weight Two Pounds," were false and misleading since the article contained less than the declared weight; and, Section 403 (c) (2), the crackers were in package form and failed to bear labels containing an accurate statement of the quantity of the contents.

DISPOSITION: March 18, 1944. The Union Biscuit Co., claimant, having admitted the allegations of the libel, judgment was entered nunc pro tunc as of March 11, 1944, condemning the product and ordering that it be released under bond to be repacked under the supervision of an employee of the Federal Security Agency.

6617. Adulteration of doughnuts. U. S. v. Yum Yum Baking Co., Inc. Plea of guilty. Fine of \$500 on count 1; sentence suspended on count 2; defendant placed on 3 months' probation. (F. D. C. No. 10627. Sample Nos. 45209-F, 45264-F, 45265-F.)

INFORMATION FILED: On February 15, 1944, in the Eastern District of New York, against the Yum Yum Baking Co., Inc., Brooklyn, N. Y.

ALLEGED SHIPMENT: Between the approximate dates of May 9 and 24, 1943, from the State of New York into the State of New Jersey.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent, cat, and human hair fragments, insect fragments, paint fragments, and wood splinters; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 14, 1944. A plea of guilty having been entered, the defendant was fined \$500 on count 1, sentence was suspended on count 2, and the defendant was placed on probation for a period of 3 months.

6618. Adulteration of coconut macaroons. U. S. v. 60 Bags of Coconut Macaroons. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 8424. Sample No. 4282-F.)

LIBEL FILED: September 25, 1942, Northern District of Ohio.

ALLEGED SHIPMENT: On or about September 19, 1939, from New York, N. Y.

PRODUCT: 60 bags, each containing 100 pounds, of coconut macaroons at Kenton, Ohio, in possession of the Runkle Co.

The product was stored under insanitary conditions after shipment. Examination showed that it contained weevils, larvae, insect fragments, mites, rodent excreta, and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 24, 1942. The Runkle Co., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

CORN MEAL

6619. Adulteration of corn meal. U. S. v. 24 Bags of Corn Meal. Default decree of condemnation. Product ordered delivered to a Federal correctional institution. (F. D. C. No. 11886. Sample No. 66369-F.)

LIBEL FILED: February 25, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about September 9, 1943, by the Eagle Roller Mills Co., New Ulm, Minn.

PRODUCT: 24 bags, each containing 100 pounds, of corn meal at New York, N. Y.

LABEL, IN PART: (Portion) "Fine Bolted Yellow Corn Meal * * * MacFadden Foundation."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, pupae, cast skins, head capsules, insect fragments, rodent excreta, and rodent hair fragments.

DISPOSITION: April 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal correctional institution.

6620. Adulteration of corn meal. U. S. v. 588 Bags of Corn Meal. Default decree of condemnation. Product ordered sold for use as stock feed. (F. D. C. No. 11836. Sample Nos. 61016-F, 61020-F.)

LIBEL FILED: February 21, 1944, Southern District of Alabama.

ALLEGED SHIPMENT: On or about November 10, 1943, from Kansas City, Mo.

PRODUCT: 588 bags, each containing 10 pounds, of corn meal at Mobile, Ala., in possession of Taylor-Lowenstein & Co.

The product had been stored under insanitary conditions after shipment. The bags were contaminated with rodent excreta and rodent urine; and some of the bags were rodent-cut. Examination showed that the product contained rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use as stock feed.

FLOUR

Nos. 6621 to 6631 and 6633 to 6638 report actions involving flour that was contaminated with one or more of the following types of filth: Insects, insect fragments, larvae, pupae, head capsules, cast skins, webbing, rodent hairs, rodent hair fragments, rodent excreta, urine, and mold. (In those cases in which the time of contamination is known, that fact is stated in the notice of judgment.) In addition, the flour reported in No. 6632 had failed to meet the standard for enriched flour.

6621. Adulteration of flour. U. S. v. 329 Bags of Flour. Default decree of condemnation. Product ordered sold for use as stock feed. (F. D. C. No. 11855. Sample No. 61017-F.)

LIBEL FILED: February 21, 1944, Southern District of Alabama.

ALLEGED SHIPMENT: On or about December 30, 1943, from Millstadt, Ill.

PRODUCT: 329 bags, each containing 10 pounds, of flour at Mobile, Ala., in possession of the M. Forchheimer Flour Co.

The article had been stored under insanitary conditions after shipment. The bags were rodent-gnawed and contained urine stains. Examination of samples showed that the article was contaminated with rodent excreta and urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use as stock feed.

6622. Adulteration of flour. U. S. v. 83 Bags and 19 Bags of Flour. Default decrees of forfeiture and destruction. (F. D. C. Nos. 12984, 12985. Sample Nos. 48598-F, 48599-F.)

LIBELS FILED: July 20, 1944, Southern District of Indiana.

ALLEGED SHIPMENT: On or about March 24 and June 16, 1944, from Crete, Nebr., and Clay Center, Kans.

PRODUCT: Flour: 102 100-pound bags, at Evansville, Ind., in the possession of Charles Nunn and Sons.

This product has been stored, after shipment, under insanitary conditions. Examination disclosed the presence of larvae, insect cast skins, and storage insect fragments in the product.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 12, 1944. No claimant having appeared, judgments of forfeiture were entered and the product was ordered destroyed.

6623. Adulteration of plain flour. U. S. v. 18 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 13101. Sample No. 68063-F.)

LIBEL FILED: July 31, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 23, 1944, by the Commander Milling Co., Minneapolis, Minn.

PRODUCT: Flour: 18 bags, each containing 100 pounds, at Cincinnati, Ohio.

LABEL, IN PART: "Conqueror Strong Fancy Clear Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, weevils, cast skins, and insect fragments.

DISPOSITION: August 30, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6624. Adulteration of flour. U. S. v. 490 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 11900. Sample No. 50180-F.)

LABEL FILED: February 25, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 3, 1943, from Cannon Falls, Minn.

PRODUCT: 490 bags, each containing 5 pounds, of flour at Pittsburgh, Pa., in possession of the Lippock Feed & Building Supply Co.

The flour had been stored under insanitary conditions after shipment. The bags showed rodent and insect damage. The flour had a pronounced musty, moldy odor. Examination of samples showed that the product was moldy and that it contained insects, insect fragments, and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 10, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6625. Adulteration of flour. U. S. v. 250 Bags of Flour. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 12975. Sample No. 58855-F.)

LABEL FILED: July 19, 1944, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about April 19, 1944, from Hays, Kans.

PRODUCT: Flour: 250 10-pound bags, at Princeton, W. Va., in the possession of the Sterling Grocery Co.

This product had been stored, after shipment, under insanitary conditions. The bags had been gnawed by rodents, and they contained urine stains and rodent pellets. Examination showed that the product contained rodent urine, rodent hair fragments, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, after being denatured so that it could not be disposed of for human consumption.

6626. Adulteration of flour. U. S. v. 99 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 12956. Sample No. 68465-F.)

LABEL FILED: July 15, 1944, Southern District of Indiana.

ALLEGED SHIPMENT: On or about April 25, 1944, from Clay Center, Kans.

PRODUCT: 99 100-pound bags of flour at Evansville, Ind., in the possession of Edward F. Goeke Sons.

The flour had been stored under insanitary conditions after shipment. Examination of a sample showed that the product contained weevils, larvae, cast skins, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6627. Adulteration of flour. U. S. v. 208 Bags, 100 Bags, and 85 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11988. Sample Nos. 47359-F to 47361-F.)

LABEL FILED: March 10, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: From on or about October 11, 1943, to January 20, 1944, from Fredericktown, Mo., and Wichita, Kans.

PRODUCT: 393 100-pound bags of flour at McKenzie, Tenn., in the possession of the Keco Flour and Feed Co.

The flour was stored under insanitary conditions after shipment. Many of the bags were rodent-cut and contained urine stains. Examination of samples showed that the product contained rodent excreta.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 17, 1944. The Keco Flour and Feed Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of the Federal Security Agency.

6628. Adulteration of flour. U. S. v. 330 Sacks of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12109. Sample No. 72507-F.)

LIBEL FILED: March 30, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about December 8, 1943, from Liberal, Kans.

PRODUCT: 330 sacks, each containing 100 pounds, of flour at McKenzie, Tenn., in possession of the Keco Milling Co.

The flour was stored under insanitary conditions after shipment. Rodent excreta and urine stains were found on the bags, and examination of samples showed that the flour contained rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in the whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 17, 1944. The Keco Flour & Feed Co., McKenzie, Tenn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of an employee of the Federal Security Agency.

6629. Adulteration of flour. U. S. v. 298 Bags and 45 Bags of Flour. Decree of condemnation. Product ordered released under bond to be denatured. (F. D. C. No. 13064. Sample Nos. 80533-F, 80534-F.)

LIBEL FILED: July 27, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about February 24 and September 22, 1943, by the Fredericktown Milling Co., from Fredericktown, Mo.

PRODUCT: 298 25-pound bags and 45 12-pound bags of flour at Forrest City, Ark.

LABEL, IN PART: "Dixie Rose Extra High Patent Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

DISPOSITION: October 9, 1944. The Merchants Specialty Co., Forrest City, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration.

6630. Adulteration of flour. U. S. v. 620 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12103. Sample No. 59149-F.)

LIBEL FILED: On or about March 28, 1944, District of Maryland.

ALLEGED SHIPMENT: On or about February 26, 1944, by the White Star Mills, from Staunton, Va.

PRODUCT: 620 bags, each containing 100 pounds, of flour at Baltimore, Md.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments.

DISPOSITION: April 28, 1944. Legg & Co., Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

6631. Adulteration of cake flour. U. S. v. 83 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 13275. Sample No. 75919-F.)

LIBEL FILED: August 18, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 1, 1944, by the Henkel Flour Mills, from Detroit, Mich.

PRODUCT: Flour: 83 100-pound bags, at Pittsburgh, Pa.

LABEL, IN PART: "Henkels Bakers Velvet Hi Ratio Cake Flour," or "Velvet."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: September 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6632. Misbranding of enriched flour. U. S. v. Dixie Portland Flour Co. (Higginsville Flour Mill). Plea of nolo contendere. Fine, \$50 and costs. (F. D. C. No. 9697. Sample No. 1099-F.)

INFORMATION FILED: On August 16, 1943, in the Western District of Missouri, against the Dixie Portland Flour Co., a corporation trading as the Higginsville Flour Mill, Higginsville, Mo.

ALLEGED SHIPMENT: On or about October 18, 1942, from the State of Missouri into the State of Michigan.

LABEL, IN PART: "Kroger's Country Club Quality Brand Flour Distributed By The Kroger Grocery and Baking Company * * * Enriched With Vitamins and Iron."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, Vitamin B₁, niacin (nicotinic acid), and iron has been in part omitted, in that the article was represented to contain, in each 10 ounces, 100 percent of the minimum daily requirement for vitamin B₁, 37 percent of the minimum daily requirement for iron, and 3.75 milligrams of niacin, whereas 10 ounces of the article contained not more than 60 percent of the minimum daily requirement for vitamin B₁, not more than 30.3 percent of the minimum daily requirement for iron, and not more than 2.81 milligrams of niacin.

Misbranding, Section 403 (g) (1), the article purported to be and was represented as enriched flour, a food for which a definition and standard of identity has been prescribed by the regulations, but it did not conform to the definition and standard since the regulations provide that each pound of enriched flour shall contain not less than 1.66 milligrams of vitamin B₁, 6 milligrams of nicotinic acid (niacin), and 6 milligrams of iron, whereas each pound of the article contained not more than 1 milligram of vitamin B₁, not more than 4.5 milligrams of nicotinic acid (niacin), and not more than 5 milligrams of iron; Section 403 (g) (2), the label of the article did not bear the name of the food specified in the definition and standard, enriched flour; Section 403 (f), the statements of the proportion of the minimum daily requirement for vitamin B₁ and iron which would be supplied by a specified quantity of the article during a period of 1 day, and of the quantity of niacin contained in a specified quantity, were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use, since the statements were printed on the sacks in small, indistinct type; and, Section 403 (a), the statement, "10 Ounces of Enriched Flour contain not less than the following proportions of the minimum daily requirements of Vitamin B₁ 100%, Iron 37%, 3.75 mg. of Niacin (another B Vitamin)," was false and misleading.

DISPOSITION: April 7, 1944. A plea of nolo contendere having been entered, a fine of \$50 and costs was imposed.

6633. Adulteration of plain flour and gluten flour. U. S. v. 19 Bags of Plain Flour (and 4 other seizure actions against plain flour and gluten flour). Decrees of condemnation. One lot ordered destroyed; remaining lots ordered released under bond. (F. D. C. Nos. 13416, 13430, 13519, 13685, 13829. Sample Nos. 54652-F, 75396-F, 76759-F, 78912-F, 78919-F.)

LIBEL FILED: Between August 25 and October 2, 1944, Northern District of Illinois, Eastern District of Wisconsin, Western District of Pennsylvania, and District of New Jersey.

ALLEGED SHIPMENT: Between the approximate dates of July 15, 1943, and July 6, 1944, by the Hubbard Milling Co., from Mankato, Minn.

PRODUCT: Plain flour: 658 100-pound bags at Chicago, Ill., 54 100-pound bags at Milwaukee, Wis., and 19 100-pound bags at Claysville, Pa. Gluten flour: 186 100-pound bags at Union City, N. J.

LABEL, IN PART: "Hubbard's Otsego Flour Bleached," "Enriched Flour * * * Hubbard's Superlative Patent Flour Bleached," "Mother Hub-

bard Enriched Flour Bleached," "King Hubbard Spring High Gluten Flour Bleached," or "Minneopa Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, weevils, cast skins, webbing, and insect fragments.

DISPOSITION: Between September 5 and November 20, 1944, the Hubbard Milling Co., claimant for the lot at Chicago, the Hein Flour & Supply Co., Milwaukee, Wis., claimant for the Milwaukee lot, and the Kubacki Baking Corporation, Union City, N. J., claimant for the Union City lot, having admitted the allegations of the respective libels, judgments of condemnation were entered and the products were ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. They were disposed of as animal feed. No claimant having appeared for the Claysville lot, judgment of condemnation was entered on September 29, 1944, and the product was ordered destroyed.

6634. Adulteration of phosphated flour. U. S. v. 67 Bags of Flour. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 12982. Sample No. 58854-F.)

LIBEL FILED: July 19, 1944, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about February 8, 1944, from Salina, Kans.

PRODUCT: Flour: 67 25-pound bags at Princeton, W. Va., in the possession of the Sterling Grocery Co.

This product had been stored, after shipment, under insanitary conditions. The bags had been gnawed by rodents, and they contained urine stains and rodent pellets. Examination showed that the product contained rodent excreta, rodent hair fragments, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for denaturing and use as animal feed.

6635. Adulteration of rice flour. U. S. v. 144 Bags of Rice Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11152. Sample No. 49823-F.)

LIBEL FILED: November 20, 1943, Western District of New York.

ALLEGED SHIPMENT: On or about May 21, 1943, from Memphis, Tenn.

PRODUCT: 144 100-pound bags of rice flour at Buffalo, N. Y., in possession of the Market Terminal Warehouse Co.

The flour had been stored under insanitary conditions. Rodent excreta and urine stains were found on the sacks. Examination of a sample showed that the product contained rodent excreta, insects, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 22, 1944. Rudhard Products, Inc., Buffalo, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed and used for animal food, under the supervision of the Food and Drug Administration.

6636. Adulteration of rye flour and plain flour. U. S. v. 40 Bags of Enriched Flour, 17 Bags of Plain Flour, and 6 Bags of Rye Flour. Default decree of condemnation and destruction. (F. D. C. No. 12943. Sample Nos. 68045-F, 68046-F, 68048 to 68050-F, incl.)

LIBEL FILED: July 14, 1944, Southern District of Indiana.

ALLEGED SHIPMENT: From on or about September 13, 1943, to April 22, 1944, from Kansas City, Mo., and Minneapolis, Minn.

PRODUCT: 13 100-pound bags of enriched flour, 17 100-pound bags of plain flour, 27 50-pound bags of enriched flour, and 6 100-pound bags of rye flour at Evansville, Ind., in possession of the Charles W. Brizius Co., Inc.

The flour had been stored under insanitary conditions after shipment. Examination showed that it contained weevils, larvae, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6637. Adulteration of self-rising flour and plain flour. U. S. v. 375 Bags of Plain Flour and 80 Bags of Self-Rising Flour (and 2 other seizure actions against plain flour). Decrees of condemnation. Product ordered released under bond to be denatured. (F. D. C. Nos. 12988, 13013, 13195. Sample Nos. 80521-F to 80523-F, incl., 80527-F.)

LIBELS FILED: From on or about July 20 to August 17, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: From on or about September 14, 1943, to April 17, 1944, by the Nebraska Consolidated Mills, from Fremont and Elkhorn, Nebr.

PRODUCT: 49 100-pound bags of flour at Helena, Ark.; 336 10-pound sacks of flour, 375 25-pound bags of flour, and 80 25-pound bags of self-rising flour at Marianna, Ark.

LABEL, IN PART: (Bag) "Mother's Best * * * Bleached [or "Self Rising"] Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, pupae, insect fragments, cast skins, head capsules, and beetles.

DISPOSITION: October 3, 1944. The Marianna Wholesale Grocery Co., Marianna, Ark., claimant for the Marianna lot, and the Helena Wholesale Grocery Co., Helena, Ark., claimant for the Helena lot, having admitted the allegations of the respective libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be denatured under the supervision of the Food and Drug Administration.

6638. Adulteration of plain and whole wheat flour, Sweet Doh Mix, and flour with added mineral salts. U. S. v. 433 Bags of Flour and 1 Bag of Doh Mix. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12971. Sample Nos. 79587-F, 79589-F to 79591-F, incl.)

LIBEL FILED: July 17, 1944, District of Columbia.

PRODUCT: 430 bags, each containing 98 pounds, and 3 bags, each containing 100 pounds, of flour, and 1 bag containing 100 pounds of Doh Mix at Washington, D. C., in the possession of the Olympia Bakery.

These products had been stored, after shipment, under insanitary conditions. There was evidence of heavy insect infestation in the storage areas. Adult insects in large numbers were found on the exterior of the bags. Examination disclosed the presence of adult insects, insect larvae, and insect cast skins in the products.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 17, 1944. George Pappas, trading as the Olympia Baking Co., having appeared as claimant and consented to the entry of the decree, judgment of condemnation was entered and the products were ordered released under bond for conversion into animal feed by denaturing under the supervision of the Food and Drug Administration.

MISCELLANEOUS CEREAL PRODUCTS

6639. Adulteration of prepared waffle mixture, doughnut mixture, and bran muffin mixture. U. S. v. 1 Barrel of Waffle Mixture (and 5 other seizure actions against prepared flour mixes). Default decrees of condemnation. One lot ordered delivered to a charitable institution; remainder ordered destroyed. (F. D. C. Nos. 11905, 11908, 11915, 11918, 11971, 12000. Sample Nos. 50959-F, 59046-F, 77815-F, 77817-F, 77832-F, 78005-F.)

LIBEL FILED: Between February 25 and March 13, 1944, Eastern District of Pennsylvania, Northern District of West Virginia, and Districts of Delaware and New Jersey.

ALLEGED SHIPMENT: From on or about October 25, 1943, to February 9, 1944, by the Standard Foods, Inc., from Rockland and Brooklandville, Md.

PRODUCT: Prepared doughnut mixture: 6 100-pound bags at Bethlehem, Pa., 10 100-pound bags at Vineland, N. J., and 4 100-pound bags and 1 barrel at Clarksburg, W. Va.; waffle mixture: 1 barrel containing approximately 200 pounds, and $\frac{1}{2}$ barrel containing approximately 100 pounds at Philadelphia, Pa.; bran muffin mixture: $1\frac{1}{2}$ drums at Seaford, Del.

LABEL, IN PART: (Bags) "Ringmaster Prepared Doughnut Mixture," or "Country Club * * * Waffle [or "Bran Muffin"] Mixture."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and fragments resembling rodent hair; and, Section 402(a) (4), the products, with the exception of one lot, had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: Between March 20 and April 26, 1944, no claimant having appeared, judgments of condemnation were entered and the lot of doughnut mixture at Vineland was ordered delivered to a charitable institution and the remainder of the products were ordered destroyed.

6640. Adulteration of grits. U. S. v. 150 Bags of Grits. Decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 12980. Sample No. 35285-F.)

LABEL FILED: July 17, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about June 1, 1944, by the Evans Milling Co., from Indianapolis, Ind.

PRODUCT: 150 bags, each containing 100 pounds, of grits at Tampa, Fla.

LABEL, IN PART: (Bag) "EMCO Fine Grits."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: July 26, 1944. The Kinchafoonee Milling Co., Inc., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning. The product was denatured for use as animal feed.

6641. Adulteration of medium white grits. U. S. v. 275 Bags of Medium White Grits. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 12891. Sample No. 63601-F.)

LABEL FILED: On or about July 7, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about March 29, 1944, by the Crete Mills, from Crete, Nebr.

PRODUCT: 275 bags, each containing 100 pounds, of medium white grits at Atlanta, Ga.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: July 19, 1944. The Alterman Brothers, Atlanta, Ga., claimant, having admitted that the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was denatured for disposal as animal feed.

6642. Adulteration of rolled oats. U. S. v. 74 Sacks of Rolled Oats. Default decree of condemnation. Product ordered sold to an animal feeder. (F. D. C. No. 12974. Sample No. 36176-F.)

LABEL FILED: July 14, 1944, Western District of Texas.

ALLEGED SHIPMENT: On or about September 30, 1943, by the National Oats Co., from Cedar Rapids, Iowa.

PRODUCT: 74 sacks, each containing 100 pounds, of rolled oats at El Paso, Tex.

LABEL IN PART: (Sack) "Pawnee Chief of all * * * Table Grade Rolled Oats."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: August 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On August 28, 1944, an amended order was entered ordering that the product be sold to an animal feeder.

6643. Adulteration of rolled oats. U. S. v. 20 Bags of Rolled Oats. Default decree of condemnation and destruction. (F. D. C. No. 11950. Sample No. 35685-F.)

LIBEL FILED: March 3, 1944, Western District of South Carolina.

ALLEGED SHIPMENT: On or about January 15, 1944, by the Brown-Rogers-Dixson Co., from Atlanta, Ga.

PRODUCT: 20 100-pound bags of rolled oats at Spartanburg, S. C.

This product had been stored under insanitary conditions in the plant of the shipper.

LABEL, IN PART: "Buckeye [or "Pawnee Brand"] Rolled Oats."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hair, and urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6644. Adulteration of popcorn. U. S. v. 363 Bags of Popcorn (and 2 other seizure actions against popcorn). Decrees of condemnation. One lot ordered denatured and sold for animal feed; remaining lots ordered released under bond. (F. D. C. Nos. 13072, 13665, 13666. Sample Nos. 80538-F, 89802-F, 89803-F.)

LIBELS FILED: July 27 and September 13, 1944, Eastern District of Arkansas and Western District of Tennessee.

ALLEGED SHIPMENT: From on or about November 18, 1943, to June 10, 1944, by G. C. Atkins, from West Terre Haute, Ind., and Shawneetown, Ill.

PRODUCT: Popcorn: 375 bags at Little Rock, Ark., and 392 bags at Memphis, Tenn., each bag containing 100 pounds.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, larvae, insect fragments, and beetles.

DISPOSITION: September 15, 1944. G. C. Atkins, claimant for the Memphis lots, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be cleaned in order to eliminate all unfit material, under the supervision of the Federal Security Agency. No claimant having appeared for the Little Rock lot, judgment of condemnation was entered and that lot was ordered denatured and sold for animal feed, under the supervision of the Federal Security Agency.

6645. Adulteration of rice. U. S. v. 36 Bags and 26 Bags of Rice. Decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 12069, 12074. Sample Nos. 51874-F, 51875-F.)

LIBELS FILED: March 24 and 25, 1944, District of Massachusetts.

ALLEGED SHIPMENT: From on or about November 10, 1942, to February 27, 1943, from Abbeville, La., and Albany, N. Y.

PRODUCT: 62 100-pound bags of rice at Pittsfield, Mass., in possession of the Butler Flour Co.

The product was stored under insanitary conditions after shipment. Rodent excreta and urine stains were noted on the bags, and examination of samples of the rice showed the product to be contaminated with rodent urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 20, 1944. Cases consolidated. The Butler Flour Co., Inc., Pittsfield, Mass., claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured for use other than for human food, under the supervision of the Food and Drug Administration.

6646. Adulteration of white, uncoated rice. U. S. v. 866 Cases of White Uncoated Rice. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11941. Sample No. 65560-F.)

LIBEL FILED: March 3, 1944, Eastern District of Washington.

ALLEGED SHIPMENT: On or about March 12, 1943, by the National Retail Owned Grocery Stores, from New Orleans, La.

PRODUCT: 866 cases, each containing 30 15-ounce packages, of white, uncoated rice at Spokane, Wash.

LABEL, IN PART: (Packages) "Shurfine Brand Supreme Quality White Uncoated Rice."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles.

DISPOSITION: April 1, 1944. The United Retail Merchants of Spokane, claimants, having admitted the adulteration of the product, judgment of condemnation was entered and it was ordered that the product be released under bond to be reconditioned by cleaning, under the supervision of the Food and Drug Administration, and that any portion that failed to pass reinspection by the Food and Drug Administration be further reconditioned or disposed of for purposes other than human consumption.

6647. Adulteration of sausage binder flour. U. S. v. 2 Drums of Flour. Default decree of forfeiture and destruction. (F. D. C. No. 12983. Sample No. 68467-F.)

LIBEL FILED: July 20, 1944, Southern District of Indiana.

ALLEGED SHIPMENT: On or about April 24, 1944, by B. Heller & Co., Chicago, Ill.

PRODUCT: 2 drums, each containing 300 pounds, of flour at Evansville, Ind.

LABEL, IN PART: (Drums) "Bull Meat Brand Flour * * * A Sausage Binder."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, cast skins, insect fragments, and rodent hair fragments.

DISPOSITION: September 12, 1944. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

CHOCOLATE, SUGARS, AND RELATED PRODUCTS

CANDY*

6648. Adulteration of candy. U. S. v. Frances Sinagnan et Cie, Inc. Plea of guilty. Fine, \$3,000. (F. D. C. No. 10616. Sample Nos. 35409-F, 44819-F, 46332-F, 46333-F.)

INFORMATION FILED: On January 26, 1944, in the Southern District of New York, against Frances Sinagnan et Cie, Inc., New York, N. Y.

ALLEGED SHIPMENT: From on or about March 11 to May 19, 1943, from the State of New York into the States of South Carolina, New Jersey, and Virginia.

LABEL, IN PART: "Chocolate Bagatelle," "By Bagatelle New York, N. Y. Miniature Chocolates," or "By Bagatelle New York Bon Cachet Miniature Chocolates."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, hair fragments resembling rodent hairs, an unidentified animal hair fragment, a copper shaving, and a metal foil fragment; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 9, 1944. A plea of guilty having been entered on behalf of the defendant, a fine of \$1,000 on each of 3 counts, a total of \$3,000, was imposed.

6649. Adulteration of licorice candy. U. S. v. 130 Cases of Licorice Candy. Default decree of condemnation and destruction. (F. D. C. No. 11793. Sample No. 40664-F.)

LIBEL FILED: February 14, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about January 10, 1944, by the Licorice Products Co., from Dubuque, Iowa.

PRODUCT: 130 30-pound cases of licorice candy at Minneapolis, Minn.

*See also No. 6789.

LABEL, IN PART: "El-Peecco Licorice Specialties."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6650. Adulteration of candy. U. S. v. 54 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 11953. Sample No. 66055-F.)

LIBEL FILED: March 2, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about January 27, 1944, by the Eatsum Food Products Co., from Boston, Mass.

PRODUCT: 54 cartons, each containing 24 1½-ounce packages, of candy at Brooklyn, N. Y.

LABEL, IN PART: (Packages) "Eatsum Rugged Candy Nuggets."

VIOLATION CHARGED: Adulteration, Section 402 (d), the article was confectionery and it contained a non-nutritive substance, mineral oil.

DISPOSITION: April 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6651. Adulteration of chocolate-coated raisins and peanuts. U. S. v. 10 Cartons of Raisins and 64 Cartons of Chocolate Coated Peanuts. Decree of destruction. (F. D. C. No. 12992. Sample Nos. 75531-F, 75532-F.)

LIBEL FILED: July 20, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 21, 1943, and March 21, 1944, by the National Peanut Corp., from Suffolk, Va.

PRODUCT: 10 cartons of chocolate-coated raisins and 64 cartons of chocolate-coated peanuts at Pittsburgh, Pa.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, pupae, cast skins, and insect fragments.

DISPOSITION: July 25, 1944. The consignee having consented to the entry of a decree, judgment was entered ordering the destruction of the product.

6652. Adulteration of peanut candy bars. U. S. v. 82 Boxes of Peanut Candy Bars. Default decree of destruction. (F. D. C. No. 10690. Sample No. 47808-F.)

LIBEL FILED: On or about September 11, 1943, Western District of Missouri.

ALLEGED SHIPMENT: On or about July 8, 1943, by the Novelty Peanut Co., from Dallas, Tex.

PRODUCT: 82 boxes, each containing 16 1-ounce peanut candy bars, at Joplin, Mo.

LABEL, IN PART: (Bar) "White Caps."

VIOLATIONS CHARGED: Adulteration, Section 402(a)(3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and hairs, and insects and insect fragments; and, Section 402(a)(4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 5, 1944. No claimant having appeared, judgment was entered ordering that the product be destroyed.

6653. Adulteration and misbranding of candy. U. S. v. 12 Boxes, 12 Boxes, and 5 Cases of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 12255, 12279. Sample Nos. 28855-F, 63233-F, 63234-F.)

LIBELS FILED: April 27 and 28, 1944, Southern District of Florida, Western District of North Carolina.

ALLEGED SHIPMENT: On or about March 31 and April 7, 1944, by the Tom Huston Peanut Co., from Columbus, Ga.

PRODUCT: 5 cases, each containing 12 cartons, of candy bars at Jacksonville, Fla., and 24 boxes of candy bars at Charlotte, N. C.

These products contained mineral oil. A portion of the nut caramel bars contained undeclared cereal.

LABEL, IN PART: (Bar wrapper) "Tom's Full Dinner [or "Nut Caramel"]."

VIOLATIONS CHARGED: Adulteration, Section 402(b)(1), a valuable constituent, vegetable oil, had been in part omitted; Section 402(b)(2), mineral oil had been substituted in part for vegetable oil; Section 402(b)(4), a substance, mineral oil, having no food value, had been added to the articles or packed with them so as to reduce their quality; Section 402(d), the articles were confectionery and they contained a non-nutritive substance, mineral oil; and, Section 402(b)(2), (portion of nut caramel bars only) cereal had been substituted in part for peanuts.

Misbranding, Section 403(a) the statements on the labels, (Full Dinner Bar) "Sugar, Glucose, Chocolate, Rice Flakes, Peanuts, Powdered Skim Milk, Vegetable Oil, Egg Albumen, Salt, Artificial Flavor," and (nut caramel bar) "Candy contains sugar, peanuts, corn syrup, powdered milk, vegetable oil, salt, artificial flavor," were false and misleading as applied to the article, which contained mineral oil. Further misbranding (portion of nut caramel bar only), Section 403(a), the name of the article, "Nut Caramel," in conjunction with the designation "Peanuts" in the ingredient list, was misleading since it suggested and implied that peanuts constituted the sole filling ingredient; and, Section 403(i)(2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since cereal was not declared.

DISPOSITION: June 7 and 16, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

6654. Misbranding of candy kisses. U. S. v. 200 Boxes of Candy Kisses. Default decree of condemnation and destruction. (F. D. C. No. 11207. Sample No. 61064-F.)

LIBEL FILED: November 30, 1943, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about August 15, 1943, by the Ervan Guttman Co., from Cincinnati, Ohio

PRODUCT: 200 boxes of candy kisses at New Orleans, La.

The average net weight of the article was 2.20 ounces. The candy kisses occupied, on the average, only 62 percent of the volume of the box.

LABEL, IN PART: (Box) "Mary, Mary, Quite Contrary How Does Your Garden Grow? * * * [or "A Dillar, A Dollar, A Ten O'Clock Scholar * * *"] 3 oz. Net Weight."

VIOLATIONS CHARGED: Misbranding, Section 403(a), the statement "3 oz. Net Weight" was false and misleading as applied to the article, which was short weight; Section 403 (d), the container was so filled as to be misleading; and, Section 403(e)(2), it was a food in package form and it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 29, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6655. Misbranding of candy. U. S. v. 77 Cartons of Candy. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 12110. Sample No. 28854-F.)

LIBEL FILED: On or about April 1, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about March 13, 1944, by the Hodges Candy Co., from Milledgeville, Ga.

PRODUCT: 77 cartons, each containing 24 bars, of candy at Jacksonville, Fla.

LABEL IN PART: (Bar wrapper) "Cocoanut Roll Candy."

VIOLATION CHARGED: Misbranding, Section 403 (a), the name "Cocoanut Roll" was false and misleading as applied to the article, which contained no coconut.

DISPOSITION: April 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to local charitable institutions.

CHOCOLATE AND COCOA PRODUCTS

6656. Adulteration of chocolate products and shelled peanuts. U. S. v. 10 Bags of Cocoa Butter, 2 Bags of Chocolate Liquor, 372 Bales of Chocolate Coating and 180 Bags of Shelled Peanuts. Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 12136. Sample Nos. 40101-F to 40106-F, incl.)

LIBEL FILED: April 7, 1944, Northern District of Iowa.

ALLEGED SHIPMENT: From on or about March 31, 1942, to February 19, 1944, from Mt. Joy and Elizabethtown, Pa., Chicago, Ill., and Roxobel, N. C.

PRODUCT: 10 156-pound bags of cocoa butter, 2 200-pound bags of chocolate liquor, 372 200-pound bales of chocolate coating, and 180 120-pound bags of shelled peanuts at Sioux City, Iowa, in possession of the Palmer Candy Co.

The products had been stored under insanitary conditions after shipment. Examination of samples of the products showed contamination by rodent excreta and urine, rodent hairs, and rodent-gnawing.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 14, 1944. The Palmer Candy Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

6657. Adulteration of cocoa beverage products. U. S. v. 68 Bags, 138 Bags, 27 Bags, and 76 Cases of Cocoa Products. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11258. Sample No. 48252-F.)

LIBEL FILED: December 10, 1943, Northern District of Ohio.

ALLEGED SHIPMENT: On or about September 19, 1943, by Woodward & Dickerson, Buffalo, N. Y.

PRODUCT: 68 unlabeled 100-pound bags of a sweet cocoa product, 138 unlabeled bags, each containing about 90 pounds, of a screened cocoa product, 27 unlabeled bags, each containing about 90 pounds, of cocoa screenings, and 76 cases, each containing 144 2-ounce cellophane bags, of a cocoa product at Cleveland, Ohio.

The product was shipped unlabeled in burlap bags and a portion of it was repacked in 2-ounce cellophane bags by the consignee.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of cocoa contaminated with rodent hair fragments and insect fragments.

DISPOSITION: January 18, 1944. J. B. Robinson, claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be sold for use other than human consumption or destroyed, under the supervision of the Food and Drug Administration.

6658. Misbranding of a cocoa beverage product. U. S. v. 8 Cases of Cocoa. Default decree of condemnation. Product ordered delivered to a charitable institution or a relief organization. (F. D. C. No. 11957. Sample No. 78014-F.)

LIBEL FILED: March 2, 1944, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 14, 1944, by the Van Dutch Products Corp., from New York, N. Y.

PRODUCT: 8 cases, each containing 24 packages, of cocoa at Wilkes-Barre, Pa.

LABEL, IN PART: (Packages) "Van Dutch Ready To Use Cocoa * * * Net Weight ½ Lb."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Net Weight ½ Lb." was false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution or an emergency relief organization.

SIRUPS AND SUGARS

6659. Adulteration and misbranding of molasses. U. S. v. 550 Cases of Molasses. Default decree of condemnation and destruction. (F. D. C. No. 11798. Sample No. 35660-F.)

LIBEL FILED: February 15, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about December 27, 1943, by the Colonial Molasses Co., Inc., from New Orleans, La.

PRODUCT: 550 cases, each containing 24 jars, of molasses at Atlanta, Ga.

LABEL, IN PART: (Jars) "Colonial Red Label New Orleans Molasses * * * Net Vol. 15 Fl. Ozs."

VIOLATIONS CHARGED: Adulteration, Sections 402 (b) (2) and (4), a residue consisting essentially of calcium compounds had been substituted in part for molasses, which the article was represented to be, and had been added to and mixed and packed with it so as to reduce its quality and strength.

Misbranding, Section 403 (a), the name "Molasses" was false and misleading; and the statement "Net Vol. 15 Fl. Ozs." was false and misleading since the jars contained less than this amount of molasses, due to the space taken up by the residue.

DISPOSITION: May 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6660. Misbranding of cane sirup. U. S. v. 35 Cases of Sirup. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11657. Sample No. 30014-F.)

LIBEL FILED: January 19, 1944, District of Idaho.

ALLEGED SHIPMENT: On or about September 9, 1943, by Roy Harry, from Sulphur Springs, Tex.

PRODUCT: 35 cases, each containing 6 jars, of cane sirup at Twin Falls, Idaho.

LABEL, IN PART: (Jar) "New Crop—Country Made Ribbon Cane Syrup."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement which appeared in the labeling, "Net Contents 3 Quarts, 1 Pint," was false and misleading as applied to the article, which was short volume; and, Section 403 (e) (2), it was a food in package form and it failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight.

DISPOSITION: May 23, 1944. The Davidson Wholesale Co., Twin Falls, Idaho, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

6661. Adulteration and misbranding of sorghum sirup. U. S. v. 77 Cases of Sirup. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11658. Sample No. 30013-F.)

LIBEL FILED: January 19, 1944, District of Idaho.

ALLEGED SHIPMENT: On or about September 9, 1943, by V. E. Nicholson, from Sulphur Springs, Tex.

PRODUCT: 77 cases, each containing 6 jars, of sirup at Twin Falls, Idaho.

LABEL, IN PART: (Jar) "East Texas Sorghum Syrup. Made of Sorghum Syrup and Corn Syrup Net Contents: 3 Quarts, 1 Pint."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of corn sirup and partially refined sugar sirup containing little or no sorghum sirup had been substituted for sorghum sirup, which the article purported to be.

Misbranding, Section 403 (a), the statements appearing on the label, "Sorghum Syrup," "Made of Sorghum Syrup and Corn Syrup," and "Net Contents: 3 Quarts, 1 Pint," were false and misleading as applied to the article, which consisted of corn sirup and partially refined sugar sirup with little or no sorghum sirup, and which was short volume; Section 403 (e) (2), the product was food in package form and it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient since the presence of partially refined sugar sirup was not declared.

DISPOSITION: May 23, 1944. The Davidson Wholesale Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

6662. Adulteration of cane sugar. U. S. v. 115 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond for segregation and reconditioning of the unfit portion. (F. D. C. No. 12947. Sample No. 72558-F.)

LIBEL FILED: July 19, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about April 15, 1944, from Houma, La.

PRODUCT: 115 bags, each containing 100 pounds, of sugar at Memphis, Tenn., in the possession of the General Warehouse Co.

This product had been stored, after shipment, under insanitary conditions. Some of the bags had been gnawed by rodents and contained rodent excreta and urine stains. Examination showed that the sugar contained rodent excreta and had become contaminated with urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 2, 1944. The Realty Operators, Inc., Houma, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the segregation and destruction or denaturing of the unfit portion. On August 8, 1944, an amended decree was entered, providing for the refining and recrystallization of the unfit portion, under the supervision of an officer designated by the Federal Security Agency Administrator.

6663. Adulteration of sugar. U. S. v. 100 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11875. Sample No. 48939-F.)

LIBEL FILED: February 19, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 20, 1942, from Louisville, Ky.

PRODUCT: 100 100-pound bags of sugar at Cincinnati, Ohio, in possession of the Cincinnati Terminal Warehouse, Inc.

The sugar had been stored under insanitary conditions after shipment, and the bags bore rodent urine stains. Examination of samples showed that the product was contaminated with rodent urine and rodent excreta pellets.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 3, 1944. Fred J. Williams, trading as the California Orange Bar, Cincinnati, Ohio, claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be used in the manufacture of dog food, under the supervision of the Food and Drug Administration.

6664. Adulteration of powdered sugar. U. S. v. 310 Bags of Powdered Sugar. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12194. Sample No. 64865-F.)

LIBEL FILED: April 26, 1944, Western District of Washington; amended libel filed July 3, 1944.

ALLEGED SHIPMENT: On or about November 29, 1943, from Crockett, Calif.

PRODUCT: 310 100-pound bags of powdered sugar at Seattle, Wash., in possession of the Hullin Transfer Co.

The product had been stored under insanitary conditions after shipment. The bags were rodent-cut and urine-stained, and examination of samples showed that the product contained rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 3, 1944. The Johnson-Lieber Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and reprocessed under the supervision of the Food and Drug Administration.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that was adulterated in that it consisted in whole or in part of a filthy or decomposed substance, as evidenced by mold, Nos. 6665 and 6666; it was below the standard for milk fat content, Nos. 6667 to 6673; and it was short weight, Nos. 6672 and 6673.

6665. Adulteration of butter. U. S. v. 14¾ Cases of Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 12801. Sample No. 79448-F.)

LIBEL FILED: On or about June 6, 1944, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about May 23, 1944, by the Beatrice Creamery Co., from Cincinnati, Ohio.

PRODUCT: Butter: 14¾ cases, each containing 32 1-pound cartons, at Charleston, W. Va.

This product contained mold.

LABEL, IN PART: (Cartons) "Meadow Gold Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: September 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization, after being denatured so that it could not be disposed of for human consumption.

6666. Adulteration of butter. U. S. v. 10 Cases of Butter. Decree of forfeiture. Product ordered delivered to a rendering plant. (F. D. C. No. 13149. Sample No. 67939-F.)

LIBEL FILED: On or about July 1, 1944, Southern District of Indiana.

ALLEGED SHIPMENT: On or about June 14, 1944, by the Blue Valley Creamery Co., from Louisville, Ky.

PRODUCT: Butter: 10 cases, each containing 32 pounds, at Madison, Ind.

Examination of a sample showed that the product contained mold.

LABEL, IN PART: "Pearl Brand Creamery Butter [or "Fairmount Roll Creamery Butter"] * * * Packed for Pearl Packing Company, Incorporated, Madison, Indiana."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: August 21, 1944. No claimant having appeared, judgment of forfeiture was entered and the product was ordered delivered to a rendering plant for salvaging of the fats for use in the war effort.

6667. Adulteration of butter. U. S. v. 46 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12066. Sample Nos. 67107-F, 76145-F, 76511-F.)

LIBEL FILED: February 24, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about February 4, 1944, by the Lyons Cooperative Creamery, Lyons, Nebr.

PRODUCT: 46 tubs, each containing approximately 64 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Breakstone Bros Inc., Distributors, New York, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 7, 1944. The Lyons Cooperative Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

6668. Adulteration of butter. U. S. v. 13 Cubes and 6 Cubes (1,330 pounds) of Butter. Decrees of condemnation. Product ordered released under bond for reworking. (F. D. C. Nos. 13131, 13134. Sample Nos. 39296-F, 54279-F to 54281-F, incl.)

LIBELS FILED: June 16 and 26, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about May 31 and June 7, 1944, by the T. & O. Sales Co., from Hereford and Lubbock, Tex.

PRODUCT: 19 cubes, each containing 70 pounds, of butter.

LABEL, IN PART: "Cream-O-Plains Butter Made by Hereford Creamery Co. Hereford, Texas," or "Made by Wellington Creamery Wellington, Texas."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 5, 1944. The Arden Farms Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

6669. Adulteration of butter. U. S. v. 95 Cartons (2,850 pounds) of Butter (and 1 other seizure action against butter). Decees of condemnation. Product ordered released under bond to be reworked. (F. D. C. Nos. 12065, 12202. Sample Nos. 53966-F, 53968-F, 54266-F to 54268-F, incl.)

LIBELS FILED: March 3 and 10, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about February 12 and 29, 1944, by the San Juan Creamery, from Durango, Colo.

PRODUCT: 120 cartons and cases, each containing 30 pounds, and 14 pounds of butter at Los Angeles, Calif.

LABEL, IN PART: "Carty's Brand Butter Distributed by Carty's Los Angeles California."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 22 and 23, 1944. Carty Bros., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

6670. Adulteration of butter. U. S. v. 17 Cubes and 16 Cubes (2,672 pounds) of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12394. Sample No. 60286-F.)

LIBEL FILED: March 30, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about March 6, 1944, by H. Kittelson from Veblen, S. Dak.

PRODUCT: 33 64-pound cubes of butter at San Francisco, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 14, 1944. Nye & Nissen, Inc., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was rechurned to the legal standard.

6671. Adulteration of butter. U. S. v. 98 Packages of Butter. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 12794. Sample No. 75607-F.)

LIBEL FILED: May 18, 1944, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about May 11, 1944, by the Quaker City Co-Operative Creamery Co., from Quaker City, Ohio.

PRODUCT: 98 packages, each containing 1 pound, of butter at Wheeling, W. Va.

LABEL, IN PART: "Quaker City Butter."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), salt water, a substance containing less than 80 percent by weight of milk fat, had been substituted for butter.

DISPOSITION: June 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

6672. Adulteration and misbranding of butter. U. S. v. Benson Produce Co. and Howard M. Rose. Pleas of guilty. Fine, \$100. (F. D. C. No. 11371. Sample Nos. 20629-F, 21921-F, 21922-F, 51225-F.)

INFORMATION FILED: On April 10, 1944, in the District of Minnesota, against the Benson Produce Co., a partnership, Benson, Minn., and Howard M. Rose, a member of the partnership.

ALLEGED SHIPMENT: From on or about June 12 to September 4, 1943, from the State of Minnesota into the States of Massachusetts and New York.

LABEL, IN PART: (Wrappers on portion of prints) "Fancy Creamery Butter One Pound Net."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2),

a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding (portions), Section 403 (a), the statement "One Pound Net," borne on the wrappers, was false and misleading since the prints contained less than 1 pound of butter; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 10, 1944. Pleas of guilty having been entered, a general fine of \$100 was imposed.

6673. Adulteration and misbranding of butter. U. S. v. Richard F. Daniel, Julia V. Daniel, and Frank R. Daniel (Monroe City Creamery). Pleas of guilty. Each defendant fined \$100. (F. D. C. No. 11359. Sample Nos. 6913-F, 47610-F.)

INFORMATION FILED: On March 15, 1944, in the Eastern District of Missouri, against Richard F. Daniel, Julia V. Daniel, and Frank R. Daniel, partners, trading as the Monroe City Creamery, Monroe City, Mo.

ALLEGED SHIPMENT: On or about September 29 and October 6, 1943, from the State of Missouri into the State of Illinois.

LABEL, IN PART: (Cartons and wrappers) "Swift's Brookfield Butter * * * Distributed by Swift & Company"; (cases) "32 Lbs. Net"; (cartons) "One Pound [or "1 Lb."] Net Weight"; (wrappers) "4 Oz. Net Weight."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the statements in the labeling, "32 Lbs. Net," "One Pound [or "1 Lb."] Net Weight," and "4 Oz. Net Weight," were false and misleading since the article contained less than the declared weight; and, Section 403 (e) (2), it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 22, 1944. Pleas of guilty having been entered, each defendant was fined \$25 on each of 4 counts.

EGGS

6674. Adulteration of dried whole eggs. U. S. v. 20 Barrels of Dried Whole Egg. Default decree of condemnation and destruction. (F. D. C. No. 11834. Sample No. 30219-F.)

LIBEL FILED: February 17, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about October 4 and November 4, 1943, by the Loose-Wiles Biscuit Co., from Long Island City, N. Y.

PRODUCT: 20 150-pound or 125-pound barrels of dried whole eggs at Oakland, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6675. Adulteration of frozen whole eggs. U. S. v. 60 Cartons of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 12036. Sample No. 55690-F.)

LIBEL FILED: March 20, 1944, Eastern District of Washington.

ALLEGED SHIPMENT: During January and February 1944, by the Northwest Poultry Co., Portland, Oreg.

PRODUCT: 60 cartons, each containing 30 pounds, of frozen whole eggs at White Bluff, Wash.

LABEL, IN PART: "Oregon Egg Service."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6676. Adulteration of frozen whole eggs. U. S. v. 188 Cartons of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12037. Sample Nos. 55689-F, 70587-F.)

LIBEL FILED: March 20, 1944, Eastern District of Washington.

ALLEGED SHIPMENT: On or about February 28, 1944, by the Olympic Commissary Co., Portland, Oreg.

PRODUCT: 188 cartons, each containing 30 pounds, of frozen whole eggs at White Bluff, Wash.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 27, 1944. The Northwest Poultry & Dairy Products Co., Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

6677. Adulteration of shell eggs. U. S. v. Dickey-Davis Co. and Hubert H. Livingston. Pleas of nolo contendere. Suspended sentence for 6 months as to each defendant, and each defendant placed on probation for that time. (F. D. C. No. 11370. Sample Nos. 15193-F, 15194-F, 15197-F to 15199-F, incl.)

INFORMATION FILED: May 5, 1944, in the District of Arizona, against the Dickey-Davis Co., a partnership, and Hubert H. Livingston, Phoenix, Ariz.

ALLEGED SHIPMENT: On or about August 9 and 15, 1943, from the State of Arizona into the State of California.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 8, 1944. The defendants having entered pleas of nolo contendere, sentence was suspended for 6 months as to each defendant, and each defendant was placed on 6 months' probation.

6678. Adulteration of shell eggs. U. S. v. 518 Cases of Shell Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11927. Sample No. 76501-F.)

LIBEL FILED: February 29, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about March 8, 1943, by Larry Ryan & Co., Inc. from St. James, Minn.

PRODUCT: 518 cases, each containing 30 dozen eggs, at Jersey City, N. J.

LABEL, IN PART: "Packed by F. M. Priest & Sons, St. James, Minn."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 8, 1944. Carl T. Ridenour, St. Paris and Versailles, Ohio, claimant, having admitted the allegation of the libel, judgment of condemnation was entered and the product was ordered released under bond, on condition that the unfit portion be segregated and destroyed or denatured for technical and industrial purposes, under the supervision of the Food and Drug Administration.

FEEDS AND GRAINS

6679. Adulteration of meat and bone scrap. U. S. v. 80 Bags of Meat and Bone Scrap. Default decree of condemnation. Product ordered delivered to a government institution, to be used for fertilizer. (F. D. C. No. 11493. Sample No. 51379-F.)

LIBEL FILED: On or about December 23, 1943, District of Connecticut.

ALLEGED SHIPMENT: On or about December 1, 1943, by the Worcester Rendering Co., from Auburn, Mass.

PRODUCT: 80 100-pound bags of meat and bone scrap at Norwich, Conn.

LABEL, IN PART: "Corenco 50% Meat & Bone Scrap * * * Manufactured by Consolidated Rendering Co. * * * Boston, Mass."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added deleterious substance, glass, which may have rendered it injurious to health.

DISPOSITION: March 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Government institution, to be used for fertilizer.

6680. Adulteration of meat and bone scrap. U. S. v. 600 Bags and 400 Bags of Meat Bone Scrap (and 2 other seizure actions against meat and bone scrap). Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 11490, 11491, 11564. Sample Nos. 19828-F, 19859-F, 19860-F, 51378-F.)

LIBELS FILED: On or about December 29, 1943, and January 7, 1944, District of Connecticut.

ALLEGED SHIPMENT: Between the approximate dates of November 13 and December 2, 1943, by the H. M. Rubin Co., from Long Island City, N. Y.

PRODUCT: Meat and bone scrap: 1,000 bags at Norwich, Conn., 500 bags at Manchester, Conn., and 239 bags at Moosup, Conn., each bag containing 100 pounds.

LABEL, IN PART: "Rubco Meat Bone Scrap."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added deleterious substance, glass, which may have rendered it injurious to health.

DISPOSITION: March 30, 1944. The cases having been consolidated and the H. M. Rubin Co., claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond to be used for fertilizer purposes, under the supervision of the Federal Security Agency.

6681. Adulteration and misbranding of dog food. U. S. v. George C. Melody. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 10635. Sample No. 33123-F.)

INFORMATION FILED: On March 6, 1944, in the Western District of Pennsylvania, against George C. Melody, Greensburg, Pa.

ALLEGED SHIPMENT: On or about June 6, 1943, from the State of Pennsylvania into the State of Maryland, by the Great Atlantic & Pacific Tea Co. This firm had a guaranty, dated February 1, 1940, and signed by the defendant, stipulating that the product was neither adulterated nor misbranded.

LABEL, IN PART: "Melo-Meal Dog Food * * * Guaranteed Analysis Protein 28.0 Min."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a substance containing less than 28 percent of protein had been substituted in whole or in part for a product containing 28 percent of protein, which the article was represented to be.

Misbranding, Section 403 (a), the statement "Guaranteed Analysis Protein 28.0 Min." was false and misleading since the food contained not more than 21.82 percent of protein.

Giving of a false guaranty, Section 301 (h), on or about February 1, 1940, the defendant guaranteed the Great Atlantic & Pacific Tea Co. that all goods furnished to the latter company would be neither misbranded nor adulterated, and thereafter sold and delivered to that company a quantity of dog food labeled "Melo-Meal," which was adulterated and misbranded in the manner described above.

DISPOSITION: April 14, 1944. A plea of guilty having been entered, the defendant was fined \$100 and costs.

6682. Misbranding of alfalfa meal. U. S. v. James A. Burk and Richard B. Miller (Cumberland Valley Alfalfa Association). Pleas of guilty. Each defendant fined \$25 on count 1; sentence suspended on count 2, and defendants placed on 1 year's probation. (F. D. C. No. 11356. Sample Nos. 33125-F, 33126-F.)

INFORMATION FILED: On February 16, 1944, in the Middle District of Pennsylvania, against James A. Burk and Richard B. Miller, copartners, trading as the Cumberland Valley Alfalfa Association, at Shippensburg, Pa.

ALLEGED SHIPMENT: On or about July 27, 1943, from the State of Pennsylvania into the State of Maryland.

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements on the label of a portion of the article, "Guaranteed analysis Protein, not less than 17.0% * * * Fibre, not more than 28.0%," and on the label of the remainder, "Guaranteed Analysis Protein, not less than 13.0% Fat, not less than 1.5% Fibre, not more than 33.0%," were false and misleading since the former contained not more than 14.48 percent of protein and not less than 31.61 percent

of fiber; and the latter contained not more than 8.78 percent of protein, not more than 1.29 percent of fat, and not less than 43.54 percent of fiber.

DISPOSITION: May 1, 1944. Pleas of guilty having been entered, each defendant was fined \$25 on count 1. Sentence was suspended on count 2, and the defendants were placed on 1 year's probation.

6683. Misbranding of cow and hog feed. U. S. v. Mountain City Mill Co., Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 11348. Sample Nos. 34403-F to 34405-F, incl.)

INFORMATION FILED: On February 19, 1944, in the Eastern District of Tennessee, against the Mountain City Mill Co., Inc., Chattanooga, Tenn.

ALLEGED SHIPMENT: On or about May 11 and July 6, 1943, from the State of Tennessee into the State of North Carolina.

LABEL, IN PART: (Tags) "Blue Cow 16% Feed," or "Prize Winner Hog Feed."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements in the labeling of the products, (cow feed) "Guaranteed Analysis Crude Protein, not less than 16.00% Crude Fat, not less than 3.00% [or "3.50%"]," and (hog feed) "Guaranteed Analysis Crude Protein, not less than 14% Crude Fat, not less than 3½%," were false and misleading since the cow feed contained in one shipment not more than 13.10 percent of crude protein and 1.99 percent of crude fat, and in the other shipment not more than 13.04 percent of crude protein and 2.11 percent of crude fat; and the hog feed contained not more than 11.85 percent of crude protein and 2.71 percent of crude fat; in addition, the statements (portion of cow feed) "Made From * * * Ground Barley * * * Soy Bean Oil Meal," (remainder of cow feed) "Made From * * * Soy Bean Oil Meal," and (hog feed) "Ingredients * * * Soy Bean Oil Meal," were false and misleading since the articles did not contain soy bean oil meal, and one lot of the cow feed did not contain ground barley; and, Section 403 (i) (2), the articles were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each such ingredient since they contained ground wheat and rye, and their labels did not declare ground wheat and rye in the list of ingredients.

DISPOSITION: April 17, 1944. A plea of guilty having been entered, a fine of \$500 was imposed.

6684. Misbranding of dairy feed. U. S. v. Moore Milling Co., Inc. Plea of guilty. Fine, \$200. (F. D. C. No. 10538. Sample No. 37078-F.)

INFORMATION FILED: On January 3, 1944, in the Western District of Virginia, against the Moore Milling Co., Inc., Salem, Va.

ALLEGED SHIPMENT: On or about March 18, 1943, from the State of Virginia into the State of West Virginia.

LABEL, IN PART: (Bag) "Momico * * * Milk Maker," or (tag) "Milk Maker Dairy Feed."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements, "24% * * * Guaranteed Analysis Protein Min. 24.00% * * *," and "Guaranteed Analysis: Crude Protein, not less than 24.00%," in the labeling, were false and misleading as applied to the article, which contained 21.96 percent of crude protein.

DISPOSITION: January 12, 1944. The defendant having entered a plea of guilty, a fine of \$200 was imposed.

6685. Misbranding of dairy and farm feed. U. S. v. Roanoke City Mills, Inc. Plea of guilty. Fine, \$50. (F. D. C. No. 10555. Sample Nos. 27662-F, 27665-F.)

INFORMATION FILED: On January 3, 1944, in the Western District of Virginia, against the Roanoke City Mills, Inc., Roanoke, Va.

ALLEGED SHIPMENT: Or about February 2 and March 23, 1943, from the State of Virginia into the State of West Virginia.

LABEL, IN PART: "Rings Producto 24% Dairy Feed * * * Crude Protein 24.00%," and "Old Dominion Farm Feed * * * Protein 13.00%."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements "24% Dairy Feed Crude Protein 24.00%," on the labeling of the dairy feed, and "Protein 13.00%," on the labeling of the farm feed, were false and misleading since the

dairy feed contained not more than 22.22 percent and the farm feed contained not more than 11.82 percent of crude protein.

DISPOSITION: January 12, 1944. The defendant having entered a plea of guilty, a fine of \$50 was imposed.

6686. Misbranding of Omalass. U. S. v. VyLactos Laboratories, Inc. Plea of guilty. Fine, \$20 and costs. (F. D. C. No. 11341. Sample Nos. 26289-F, 26290-F.)

INFORMATION FILED: On February 24, 1944, in the Southern District of Iowa, against the VyLactos Laboratories, Inc., Des Moines, Iowa.

ALLEGED SHIPMENT: On or about March 11 and 27, 1943, from the State of Iowa into the State of Kansas.

LABEL, IN PART: "Omalass Is * * * Guaranteed Analysis * * * Total Sugars 42. %."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statement on the label, "Guaranteed Analysis * * * Total Sugars 42. %," was false and misleading since the article contained, in one shipment, not more than 39.94 and, in the other shipment, not more than 35.04 percent of total sugars.

DISPOSITION: April 26, 1944. The defendant having entered a plea of guilty, a fine of \$10 was imposed on each of 2 counts, plus costs.

FISH AND SHELLFISH

6687. Adulteration of frozen carp and frozen buffalo fish. U. S. v. 104 Boxes of Frozen Carp and 949 Pounds of Frozen Buffalo Fish. Default decrees of condemnation and destruction. (F. D. C. Nos. 11975, 12087. Sample Nos. 65956-F, 76404-F.)

LIBELS FILED: March 10 and 28, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about February 4 and March 11, 1944, by the Stoller Fisheries, Spirit Lake, Iowa.

PRODUCT: 104 boxes, each containing 100 pounds, of frozen carp, and 949 pounds of frozen buffalo fish at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 3 and 14, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

6688. Adulteration of crawfish tails. U. S. v. 15 Cartons of Crawfish Tails. Default decree of condemnation and destruction. (F. D. C. No. 12016. Sample Nos. 50347-F, 50350-F.)

LIBEL FILED: March 16, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 14, 1944, by Jarrell & Rea, from Chicago, Ill.

PRODUCT: 15 cartons, each containing 5 10-pound packages, of crawfish tails at Pittsburgh, Pa.

LABEL IN PART: (Packages) "Frozen Fresh Florida Sea Food distributed by Florida Quick Freeze and Cold Storage Co. Miami, Fla."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6689. Adulteration of frozen eel pout fillets. U. S. v. 35 Cartons of Frozen Eel Pout Fillets. Default decree of condemnation and destruction. (F. D. C. No. 12071. Sample No. 76402-F.)

LIBEL FILED: March 25, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about January 20, 1944, from Stonington, Conn.

PRODUCT: 35 cartons, each containing 20 pounds, of frozen eel pout fillets at New York, N. Y.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitized fish; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: April 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6690. Adulteration of frozen eel pout fillets. U. S. v. 28 Cartons of Frozen Eel Pout Fillets. Default decree of condemnation and destruction. (F. D. C. No. 12086. Sample No. 76403-F.)

LIBEL FILED: March 25, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about March 8, 1944, by Captain Jimmy Lawrence, New London, Conn.

PRODUCT: 28 cartons, each containing 20 pounds, of frozen eel pout fillets at New York, N. Y.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitized fish; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: April 14, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6691. Adulteration of canned, flaked fish. U. S. v. 1,365 Cases of Canned Flaked Fish. Tried to the court. Judgment ordering condemnation and destruction of a portion of the product and release of the remainder to the claimant. (F. D. C. No. 7935. Sample No. 87905-E.)

LIBEL FILED: July 17, 1942, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about June 13, 1942, by the Davis Bros. Fisheries, Inc., from Gloucester, Mass.

PRODUCT: 1,365 cases, each containing 24 1-pound cans, of flaked fish at Richmond, Va.

LABEL, IN PART: (Cans) "Davis Bros. Flaked Fish Haddock and Codfish."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted, in whole or in part of a decomposed substance.

DISPOSITION: March 18, 1943. The Davis Bros. Fisheries, Inc., claimant, having filed an answer denying that the product was adulterated, trial was had before the court. Evidence having been introduced on behalf of the Government and the claimant, the court, on July 3, 1943, handed down the following findings of fact and conclusions of law:

POLLARD, District Judge: "The United States filed its libel in this case, seeking the condemnation under the Federal Food, Drug and Cosmetic Act (Title 21, Section 301, et seq. U. S. C. A.) of 1365 cases, more or less, each containing 24 cans of an article labeled in part 'Davis Bros. Flaked Fish, Haddock and Codfish Seasoned with Salt Contents 1 lb. * * *' the said above described cans of fish being shipped by the Davis Brothers Fisheries Company, Inc., from Gloucester, in the State of Massachusetts, to and into the State of Virginia, to the Bellwood Depot or Quartermaster Depot, located in Chesterfield County, Virginia.

"The libel charges that the said article of food is adulterated within the meaning of Title 21 Sec. 342 (a) (3) U. S. C. A. The bill of particulars filed by the Government alleges that said article of food is rotten and stinks and consists of a decomposed substance. The answer denies all the material allegations of the libel which would justify condemnation of the food. By stipulation of the parties a trial by jury was waived.

"From the evidence taken on the issues raised by the pleadings, the Court makes the following findings of fact.

"FINDINGS OF FACT

"1. The libel for condemnation was filed July 17th, 1942. An attachment and monition were filed on July 17th, 1942, and in obedience to said attachment and monition, the United States Marshal for the Eastern District of Virginia seized 1365 cases, more or less, each containing 24 cans of an article labeled 'Davis Flaked Fish Haddock and Codfish' and Coded 'FU-10', 'FU-19' and 'FU-22'.

"2. The articles of food seized consist of three packs known as 'Codes' and designated as 'Code F. U. 10', 'F. U. 19', and 'F. U. 22'.

"3. Said articles of food were shipped in interstate commerce and at the time they were seized were within the jurisdiction of this Court.

"4. There were taken from each of the three packs or codes, two lots or samples. The first samples were seized by the Food and Drug Administration. The second samples were taken by order of Court and one-half thereof was delivered to the Food and Drug Administration and the residue to the defendant.

"5. The first samples taken were examined by Dr. Hunter, Chief of the Govern-

ment's Bacteriological Department, and also by Menno D. Voth, one of its chemists. Dr. Hunter examined 22 cans of Code F. U. 10 and found no evidence of decomposition; 48 cans of Code F. U. 19, and found 3 cans in which he detected odor of decomposition, and 48 cans of Code F. U. 22, and found 37 cans in which he detected the odor of decomposition. Menno D. Voth examined 24 cans of Code F. U. 10 and found 1 can which he described as 'putrid'; 46 cans of Code F. U. 19 and found 3 cans described as putrid; and 51 cans of Code F. U. 22, in which he found 44 cans described as putrid.

"6. The second samples taken were examined on behalf of the Food and Drug Administration by Dr. Hunter and Fred M. Hillig, one of its chemists, and on behalf of the defendant by Norman D. Jarvis, Assistant Fisheries Technologist for the Bureau of Fisheries, Arthur L. Marshall, Superintendent of the Canning Plants of the General Sea Foods, and Julian M. Weaver, Chief Chemist of Froehling & Robertson, of Richmond, Virginia.

"7. From the second samples, Dr. Hunter examined 18 cans of Code F. U. 10 and found 2 cans with odor of decomposition; 40 cans Code F. U. 19 and found 2 cans which contained odor of decomposition and 46 cans Code F. U. 22 and found 40 cans which had an odor of decomposition. In this examination Dr. Hunter used the smell test.

"8. From the second samples, Mr. Hillig examined 3 cans of Code F. U. 10, 4 cans of Code F. U. 19 and 10 cans of Code F. U. 22 and found all of them to be decomposed. Mr. Hillig made a chemical analysis based upon a volatile acid test.

"9. From the second samples, Mr. Weaver examined 13 cans of Code F. U. 10 and found them all good; 33 cans of Code F. U. 19 and found one of them which showed evidence of decomposition; and 31 cans of Code F. U. 22 and found them all good. Mr. Weaver used the electrometric chemical test and also the smell test.

"10. From the second samples, Mr. Marshall used the smell test in examining 6 cans of Code F. U. 10, 12 cans of Code F. U. 19 and 12 cans of Code F. U. 22 and found them all good.

"11. Mr. Jarvis also used the smell test in his examination of the second samples and found all of the cans examined good. Mr. Jarvis examined 6 cans of Code F. U. 10, 12 cans of Code F. U. 19 and 22 cans of Code F. U. 22.

"12. The witnesses of the defendant and for the Government, other than Mr. Hillig, examined 89 cans of Code F. U. 10 and found 3 cans bad; 191 cans of Code F. U. 19 and reported 9 cans to be bad; 200 cans of Code F. U. 22 and found 121 to be bad; while Mr. Hillig examined 3 cans of Code F. U. 10, 4 cans of Code F. U. 19 and 17 cans of Code F. U. 22 and reported all of them to be bad.

"CONCLUSIONS

"1. The United States has failed to make out a case which warrants the condemnation of Code F. U. 10 and Code F. U. 19.

"The sharp conflict in the testimony between the results obtained from the examinations made by Mr. Hillig on the one hand and the results obtained from the examinations of the five other experts, two of whom were introduced by the Government, raises a serious doubt as to the efficacy of the chemical analyses made by Mr. Hillig.

"2. The evidence sustains the Government's contention that Code F. U. 22 should be condemned.

"The Court would reach the same conclusion as to Code F. U. 22 on the evidence other than that of Mr. Hillig.

"An order in accordance with the views expressed herein may be presented after reasonable notice."

On July 26, 1943, an order was issued releasing the cans coded Fu-10 and Fu-19 to the claimant, and condemning the cans coded Fu-22, and ordering their destruction.

6692. Adulteration of frozen haddock, cod, and hake. U. S. v. O'Hara Bros. Co., Inc. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 5521. Sample Nos. 28529-E, 28532-E, 28534-E, 28535-E, 34583-E, 39522-E, 39523-E, 39528-E, 39529-E, 39536-E to 39539-E, incl., 51015-E.)

INFORMATION FILED: On January 15, 1942, in the District of Massachusetts, against the O'Hara Bros. Co., Inc., trading as the Gloucester Fresh Fish Co., the Bay Fish Co., the Coleman Son Co., the Star Fish Co., and the Rush Fish Co., at Boston, Mass.

ALLEGED SHIPMENT: Between the approximate dates of August 12 and Novem-

ber 8, 1940, from the State of Massachusetts into the States of Virginia, Missouri, and New York.

LABEL, IN PART: (Portions) "Northeast Brand Haddock [or "Cod"] Fillets."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of putrid and decomposed substances.

DISPOSITION: April 18, 1944. A plea of nolo contendere having been entered, the defendant was fined \$50 on each of 4 counts, a total fine of \$200.

6693. Adulteration of frozen haddock, ocean perch, and red perch fillets, and frozen H & G whiting. U. S. v. Genoa Fisheries, Inc. Plea of guilty, Fine, \$100. (F. D. C. No. 7254. Sample Nos. 42475-E, 42478-E, 64304-E, 64309-E, 64317-E, 64319-E, 64324-E, 64330-E.)

INFORMATION FILED: On July 6, 1942, in the District of Massachusetts, against the Genoa Fisheries, Inc., Boston, Mass.

ALLEGED SHIPMENT: From on or about July 7 to August 25, 1941, from the State of Massachusetts into the State of Pennsylvania.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance and, in addition, one lot consisted in whole or in part of a filthy substance by reason of the presence of parasitized fish.

DISPOSITION: April 18, 1944. The defendant having entered a plea of guilty, a fine of \$25 was imposed on each of 4 counts, a total fine of \$100.

6694. Adulteration of fresh herring. U. S. v. 6 Boxes of Herring. Default decree of condemnation and destruction. (F. D. C. No. 11925. Sample No. 55050-F.)

LIBEL FILED: March 1, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 23, 1944, by the Wolverine Fish Co., from Cooks, Mich.

PRODUCT: 6 boxes, each containing 100 pounds, of herring at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: April 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6695. Adulteration of frozen margate fish. U. S. v. 68 Cartons of Frozen Margate Fish. Default decree of condemnation and destruction. (F. D. C. No. 11981. Sample No. 35028-F.)

LIBEL FILED: On or about March 11, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about August 20, 1943, by the Forty Fathom Fish Co., from Miami, Fla.

PRODUCT: 68 cartons, each containing 30 pounds, of frozen margate fish at Atlanta, Ga.

LABEL, IN PART: (Carton) "40-Fathom * * * Frosted Bahamian Margate Fish * * * Packed by General Seafood Bahamas Limited Nassau Bahamas."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6696. Adulteration of frozen mullet. U. S. v. 108 Bags of Frozen Mullet. Default decree of condemnation and destruction. (F. D. C. No. 11916. Sample No. 35018-F.)

LIBEL FILED: February 28, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 14, 1943, by C. N. Johnson, from Jacksonville, Fla.

PRODUCT: 108 bags, each containing 100 pounds, of frozen mullet at Atlanta, Ga.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by delivery of the product to a Federal penitentiary, to be used as fertilizer.

6697. Adulteration of frozen ocean pout fillets. U. S. v. 798 Boxes of Frozen Pout Fillets. Default decree of condemnation and destruction. (F. D. C. No. 12099. Sample No. 67434-F.)

LIBEL FILED: March 28, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 10, 1944, by Busalacchi Bros., Inc., Boston, Mass.

PRODUCT: 798 boxes, each containing approximately 15 pounds, of frozen ocean pout fillets at Cleveland, Ohio.

LABEL, IN PART: (Box) "Seakist Brand Fish."

VIOLATION CHARGED: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: May 26, 1944. No claimant having appeared, judgment of condemnation was entered and the article was ordered destroyed.

6698. Adulteration of dried, salted sargent fish. U. S. v. 22 Bales and 5 Boxes of Dried Salted Sargent Fish. Default decree of condemnation and destruction. (F. D. C. No. 12215. Sample No. 66378-F.)

LIBEL FILED: April 19, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about January 20, 1944, by Max Caballero, from Laredo, Tex.

PRODUCT: 22 bales, weighing approximately 2,322 pounds, and 5 boxes, weighing approximately 514 pounds, of dried, salted sargent fish at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6699. Adulteration of frozen shrimp. U. S. v. 30 Boxes of Frozen Shrimp. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12218. Sample No. 76414-F.)

LIBEL FILED: On or about April 26, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about March 17, 1944, by Swanson Western, Chicago, Ill.

PRODUCT: 30 100-pound boxes of frozen shrimp at New York, N. Y.

LABEL, IN PART: "Shrimp * * * Distributed by Western Shell Fish Company, Inc. Arkansas Pass Texas."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 17, 1944. Sam Fink, New York, N. Y., having filed a claim on his own behalf and as agent for N. Kotak, and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured or destroyed under the supervision of the Food and Drug Administration.

6700. Adulteration of frozen tullibeas. U. S. v. 336 Boxes of Frozen Tullibeas. Default decree of condemnation and destruction. (F. D. C. No. 11772. Sample Nos. 50745-F to 50748-F, incl.)

LIBEL FILED: February 10, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: From on or about October 9, 1943, to January 4, 1944, by the Shapiro Fisheries, Inc., Chicago, Ill.

PRODUCT: 336 boxes, each containing about 100 pounds, of frozen tullibeas at Philadelphia, Pa.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: March 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold as fertilizer. No purchasers having been found, on May 15, 1944, the product was ordered destroyed.

6701. Adulteration of frozen tullibees. U. S. v. 168 Boxes of Tullibees. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12028. Sample No. 49656-F.)

LIBEL FILED: March 16, 1944, Eastern District of Michigan.

ALLEGED SHIPMENT: By the J. Kozloff Fish Co., from Detroit, Mich., to Buffalo, N. Y.; returned to the shipper on or about March 11, 1944.

PRODUCT: 168 boxes, each containing from 120 to 135 pounds, of tullibees at Detroit, Mich.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: May 15, 1944. The J. Kozloff Fish Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into animal feed or fertilizer, under the supervision of the Food and Drug Administration.

6702. Adulteration of fresh whitefish. U. S. v. 4 Boxes of White Fish. Default decree of condemnation and destruction. (F. D. C. No. 11695. Sample No. 50015-F.)

LIBEL FILED: January 22, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about January 13, 1944, by J. Kozloff, from Detroit, Mich.

PRODUCT: 4 boxes, each containing 60 pounds, of white fish at Buffalo, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: March 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6703. Adulteration of frozen whiting. U. S. v. 2,629 Boxes of Whiting. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 8564. Sample No. 24067-F.)

LIBEL FILED: October 13, 1942, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about September 16, 1942, by the Commonwealth Ice & Cold Storage Co., from Boston, Mass.

PRODUCT: 2,629 15-pound boxes of frozen whiting at Norfolk, Va.

LABEL IN PART: "H & G Whiting * * * F. J. O'Hara & Sons, Inc., * * * Boston, Mass."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 9, 1943. F. J. O'Hara & Sons, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and converted into fish meal.

6704. Adulteration of frozen whiting. U. S. v. 15 Boxes of Frozen Whiting. Default decree of condemnation and destruction. (F. D. C. No. 11975. Sample No. 35022-F.)

LIBEL FILED: On or about March 11, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about December 20, 1943, by the Flag Fish Co., from New York, N. Y.

PRODUCT: 15 boxes, each containing approximately 150 pounds, of frozen whiting at Atlanta, Ga.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6705. Adulteration of frozen whiting. U. S. v. 115 Cartons and 374 Cartons of Frozen Whiting. Default decree of condemnation and destruction. (F. D. C. No. 12172. Sample No. 52031-F.)

LIBEL FILED: April 12, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 21, 1944, by the Slade Gorton Co., from Chicago, Ill.

PRODUCT: 489 cartons, each containing 4 5-pound cartons, of frozen whiting at Gloucester, Mass.

LABEL, IN PART: (Cartons) "Cello Wrap Butterfly Whiting."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6706. Adulteration of frozen whiting. U. S. v. 3 Boxes of Frozen Whiting. Default decree of condemnation and destruction. (F. D. C. No. 12052. Sample No. 58638-F.)

LIBEL FILED: March 22, 1944, District of Maryland.

ALLEGED SHIPMENT: On or about February 18, 1944, by Chesebro, Robbins & Graham, Inc., from New York, N. Y.

PRODUCT: 3 boxes, each containing about 150 pounds, of frozen whiting at Baltimore, Md.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES*

CANNED AND DRIED FRUIT

6707. Adulteration of evaporated apple chops. U. S. v. K & K Evaporated Apple Packing Corporation. Plea of guilty. Fine, \$250. (F. D. C. No. 10614. Sample Nos. 1775-F, 22029-F.)

INFORMATION FILED: On December 27, 1943, in the Western District of New York, against the K & K Evaporated Apple Packing Corporation, Webster, N. Y.

ALLEGED SHIPMENT: On or about March 3 and August 6, 1943, from the State of New York into the States of Pennsylvania and Illinois.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of wormy, moldy, and decayed apple chops, insect fragments, and rodent hairs.

DISPOSITION: March 13, 1944. A plea of guilty having been entered, the defendant was fined \$125 on each of two counts, total \$250.

6708. Adulteration of canned cherries. U. S. v. 296 Cartons of Canned Cherries. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 10686. Sample No. 43211-F.)

LIBEL FILED: September 8, 1943, District of Nebraska.

ALLEGED SHIPMENT: On or about February 11, 1943, by the Tolerton & Warfield Co., Sioux City, Iowa.

PRODUCT: 296 cartons, each containing 6 No. 10 cans, of cherries at Omaha, Nebr.

LABEL, IN PART: (Cans) "Inavale Brand Water Pack, Royal Anne Cherries Packed By Washington Packers, Inc. Summer, Washington * * * Below Standard in Quality Good Food—Not High Grade."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy cherries.

DISPOSITION: April 10, 1944. The Washington Packers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Federal Security Agency. The unfit portion was segregated and destroyed.

*See also Nos. 6603, 6651.

6709. Misbranding of canned peaches. U. S. v. 149 Cases of Canned Peaches. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 10743. Sample No. 11946-F.)

LIBEL FILED: September 11, 1943, Western District of New York.

ALLEGED SHIPMENT: On or about August 24, 1943, by the Independent Grocers' Alliance Distributors, Inc., from Alameda, Calif.

PRODUCT: 149 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Rochester, N. Y.

LABEL, IN PART: (Cans) "Much-more Brand Packed in Light Syrup * * * Halves Yellow Cling Peaches * * * Packed For Food Products Co. of America Chicago, Ill."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements "Packed in Light Syrup," and "Halves Yellow Cling Peaches," were false and misleading as applied to the article, which consisted of mixed pieces of irregular sizes and shapes, packed in slightly sweetened water.

DISPOSITION: February 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On March 20, 1944, Brewster Gordon & Co., Inc., Rochester, N. Y., having appeared as claimant, an amended decree was entered ordering the delivery of the product to the claimant under bond, for relabeling under the supervision of the Food and Drug Administration.

6710. Misbranding of canned pears. U. S. v. 87 Cases of Canned Pears. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11518. Sample No. 40798-F.)

LIBEL FILED: January 4, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about February 1, 1943, by the Kuhn Cannery, from Pattonsburg, Mo.

PRODUCT: 87 cases, each containing 24 1-pound, 12-ounce cans, of pears at St. Paul, Minn.

LABEL, IN PART: (Cans) "Pattonsburg Pride Brand Kieffer Pears Halves."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the article fell below the standard for canned pears since it failed to meet the test for tenderness prescribed in the regulations; all the pear units were not untrimmed or so trimmed as to preserve their normal shape; and the product did not bear the sub-standard legend, as required by the regulations.

DISPOSITION: March 6, 1944. The Kuhn Cannery, claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6711. Adulteration of dried prunes. U. S. v. 2,400 Boxes of Dried Prunes. Portion ordered released; remainder condemned and ordered released under bond. (F. D. C. No. 8606. Sample No. 19320-F.)

LIBEL FILED: October 19, 1942, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 17, 1942, by Guggenlime & Co., from San Jose, Calif.

PRODUCT: 2,400 26-pound boxes of dried prunes at Boston, Mass.

When this product was unloaded from the railroad car at destination, it was found that a heavy layer of coal dust covered the entire top tier of boxes. Coal dust had also sifted down between the boxes so that all were partially coated with coal dust. The boxes were stacked bottoms up and, since the bottoms consisted of two boards with space between, coal dust came in direct contact with the prunes in those cases in which the paper wrapper did not completely cover the prunes. Examination of a number of boxes showed that the surface of the prunes was covered with visible coal dust.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, coal dust.

DISPOSITION: On November 16, 1942, re-examination having shown that a portion of the product was fit for human consumption, a decree was entered ordering the release of the fit portion to the consignee, the U. S. Quartermaster Depot, Boston, Mass. On August 20, 1943, James J. Ryan, Boston, Mass., claimant for the remainder, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under

bond to be sorted, reprocessed, and converted into prune jam, under the supervision of the Food and Drug Administration. On March 28, 1944, the motion of the claimant to amend the decree of August 20, 1943, to permit the manufacture of the product into imitation prune apple butter was allowed.

6712. Adulteration of dried, pitted prunes. U. S. v. 45 Boxes of Pitted Prunes. Default decree of condemnation and destruction. (F. D. C. No. 11931. Sample No. 66492-F.)

LIBEL FILED: On or about March 6, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about April 23, 1943, by the Wm. A. Camp Co. Inc., from New York, N. Y.

PRODUCT: 45 boxes, each containing 25 pounds, of pitted prunes at Kansas City, Mo.

LABEL, IN PART: "Carnation Club Brand Pitted Prunes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of contamination with insects, rodent excreta, and rodent hair fragments, and the presence of moldy prunes.

DISPOSITION: April 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6713. Adulteration of raisins. U. S. v. 199 Cases of Raisins (and 2 other seizure actions against raisins). Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 12932, 13642, 13667. Sample Nos. 61695-F, 71966-F, 90388-F.)

LIBELS FILED: Between July 12 and September 15, 1944, Eastern District of Louisiana, Eastern District of Missouri, and Western District of Washington.

ALLEGED SHIPMENT: From on or about January 18 to February 22, 1944, by the West Coast Growers and Packers, from Dinuba and Reedley, Calif.

PRODUCT: Raisins: 199 cases and 96 cases, each containing 30 pounds, at New Orleans, La., and St. Louis, Mo., respectively, and 38 cases, each containing 48 15-ounce cartons, at Seattle, Wash.

LABEL, IN PART: "Supreme Brand California Seedless Raisins," "Wesco Brand California Extra Choice Golden Bleached Thompson Seedless Raisins," or "Wesco Brand * * * Choice Seeded Muscat Raisins."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, insect excreta, beetles, or pupae.

DISPOSITION: On October 11, 1944, the St. Louis Bakers' Cooperative Association having appeared as claimant for the lot at St. Louis, judgment of condemnation was entered and the product was ordered released under bond, the good portion to be converted into distilled spirits under the supervision of the Alcohol Tax Unit and the Food and Drug Administration, and the unfit portion to be destroyed or denatured for purposes other than human consumption. On August 25 and October 18, 1944, no claimant for the remaining lots having appeared, judgments of condemnation were entered and the product was ordered destroyed.

FRESH AND FROZEN FRUITS

6714. Adulteration of apples. U. S. v. 76 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 14367. Sample No. 54958-F.)

LIBEL FILED: On November 19, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 6, 1943, by Lawrence W. Wade, from Fennville, Mich.

PRODUCT: 76 bushels of apples at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: January 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6715. Adulteration of apples. U. S. v. 652 Bushels of Apples. Consent decree of condemnation. Product ordered released under bond to be rewashed. (F. D. C. No. 10805. Sample No. 48213-F.)

LABEL FILED: September 7, 1943; amended libel filed September 8, 1943, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 26, 1943, by Illinois Fruit Growers, Ozark, Ill.

PRODUCT: 652 bushels of Apples at Cleveland, Ohio.

LABEL, IN PART: "Jonathan Ill. U. S. No. 1 2¼ inch Min. Grown and Packed by Gram Orchards, Ozark, Ill."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: September 16, 1943. The Illinois Fruit Growers Exchange, claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be rewashed under the supervision of the Food and Drug Administration.

6716. Adulteration of frozen blackberries. U. S. v. 316 Cases and 694 Cases of Frozen Blackberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 12186, 12187. Sample Nos. 29858-F, 29859-F.)

LABELS FILED: April 14 and 15, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about December 3, 1943, by Flint & Fulton, Inc., from Asbury Park and Jersey City, N. J.

PRODUCT: Frozen blackberries, 316 cases and 694 cases, each containing 30 pounds, at San Francisco and San Jose, Calif., respectively.

This product consisted of moldy and decomposed berries.

LABEL, IN PART: (Cases) "Tennessee Wild Blackberries Packed By Frozen Products Corp. Knoxville, Tenn."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 20, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

MISCELLANEOUS FRUIT PRODUCTS

6717. Adulteration of grape jam. U. S. v. 1,198 Cases, 1,198 Cases, and 968 Cases of Grape Jam. Product ordered released under bond. (F. D. C. No. 10022. Sample Nos. 24743-F to 24745-F, incl.)

LABEL FILED: May 28, 1943, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about January 8 and 9, 1943, by the Richardson Corporation, from Rochester, N. Y.

PRODUCT: 3,364 cases, each containing 6 No. 10 cans, of grape jam at Norfolk, Va.

LABEL, IN PART: (Cans) "Richardson Rochester * * * Grape Jam."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance since it contained maggots, rodent hair fragments, and insect fragments.

DISPOSITION: July 27, 1943. The Richardson Corporation having appeared as claimant, the product was ordered released under bond, conditioned that the claimant segregate such portion as might be fit for human consumption, under the supervision of the Food and Drug Administration.

6718. Misbranding of apple jelly. U. S. v. 197 Cases of Apple Jelly. Default decree of condemnation. Product ordered delivered to a charitable institution (F. D. C. No. 12144. Sample No. 63213-F.)

LABEL FILED: April 5, 1944, Western District of South Carolina.

ALLEGED SHIPMENT: On or about February 17, 1944, by the Green Brothers, Inc., from Miami, Fla.

PRODUCT: 197 cases, each containing 24 1-pound jars, of apple jelly at Spartanburg, S. C.

LABEL, IN PART: "Florida Sunland Apple Jelly * * * Net Wt. 1 Lb. Florida Sunland Foods, Inc., Miami."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Net Wt. 1 Lb." was false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

6719. Adulteration and misbranding of marmalade. U. S. v. 56 Cases and 86 Jars and 59 Jars of Marmalade. Default decrees of condemnation and destruction. (F. D. C. Nos. 12135, 12917. Sample Nos. 51187-F, 51192-F, 81907-F, 81908-F.)

LIBELS FILED: April 1, 1944, Eastern District of Pennsylvania; July 13, 1944, Southern District of New York.

ALLEGED SHIPMENT: From on or about October 4, 1943, to February; 27, 1944, by the Bonita Fruit Preserving Co., Miami, Fla.

PRODUCT: Marmalade: 56 cases, each containing 12 2-pound jars, at Philadelphia, Pa., and 145 1-pound jars at New York, N. Y.

LABEL, IN PART: (Jars, Philadelphia lot) "Bonita Pure [or "Bonita Brand"] Papaya Marmalade * * * Net Wt. 2 Lbs. [or "2 Lb."]"; (jars, New York lots) "Bonita Brand Orange Cherry Marmalade [design of whole oranges and cherries] Sliced Whole Oranges, Sugar, Maraschino Cherries, Fruit Acid, and Citrus Pectin," "Bonita Brand Pure Grapefruit Cherry Marmalade [design of whole grapefruit and cherries]," or "Bonita Pure Grapefruit Cherry Marmalade [design of whole grapefruit]."

VIOLATIONS CHARGED: Adulteration (Philadelphia lot), Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; (New York lot) Section 402 (b) (1), valuable constituents, orange pulp and cherries, or grapefruit pulp and cherries, had been in whole or in part omitted; Section 402 (b) (2), a substance consisting essentially of an artificially-colored mixture of citrus peel, sugar, and water, deficient in soluble solids, had been substituted for "Orange Cherry Marmalade," or "Grapefruit Cherry Marmalade," which the article was represented to be; Section 402 (b) (3), inferiority in cherry content had been concealed through the use of red artificial coloring; and, Section 402 (b) (4), artificial coloring and water had been added to the article and mixed and packed with it so as to reduce its quality and make it appear better or of greater value than it was.

Misbranding (Philadelphia lot), Section 403 (a), the statements "Net Wt. 2 Lbs." and "Net Wt. 2 Lb." were false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), it was in package form and failed to bear a label which contained an accurate statement of the quantity of the contents; (New York lots) Section 403 (a), the statements and designs on the labels were misleading; Section 403 (c), the product was an imitation of another food, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and, Section 403 (k), it contained artificial coloring and failed to bear labeling which stated that fact.

DISPOSITION: April 26 and August 11, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed, with the exception of 6 jars of each brand of the New York lot, which were ordered delivered to the Food and Drug Administration. The jars and cartons of the Philadelphia lot were salvaged by the Food and Drug Administration for laboratory use, after destruction of the contents.

6720. Adulteration of fig pulp. U. S. v. 2,410 Cartons of Fig Pulp. Consent decree of condemnation. Product ordered released under bond to be used in distillation (F. D. C. No. 11758. Sample No. 49643-F.)

LIBEL FILED: February 5, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about December 18, 1943, by the Kadota Fig Association, from Ogden, Utah.

PRODUCT: 2,410 cartons of fig pulp at Rochester, N. Y.

Examination showed that the article was sour.

LABEL, IN PART: "Parch-Pakt Frozen R. D. Pringle Co. Distributors Denver Colorado."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 20, 1944. The Kadota Fig Association of Producers, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be used in distillation, under the supervision of the Food and Drug Administration.

6721. Misbranding of canned fruit mix. U. S. v. 199 Cases of Canned Fruit Mix. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11803. Sample No. 30338-F.)

LIBEL FILED: February 14, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 20, 1944, by Tiedemann & McMorran, from Alameda, Calif.

PRODUCT: 199 cases, each containing 24 1-pound, 12-ounce cans, of fruit mix at Boston, Mass.

LABEL, IN PART: (Cans) "Val Vita Brand Fruit Mix."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statement borne on the label, "Fruit Mix in Heavy Syrup Consists of Yellow Cling Peaches, Bartlett Pears and Seedless Grapes," together with a vignette representing the peaches and Bartlett pears to be in relatively large, regular-shaped pieces, was false and misleading since the product consisted of small, irregular-shaped pieces of peaches and pears and whole grapes packed in light sirup.

DISPOSITION: May 3, 1944. Henry B. Tiedemann and Russell W. McMorran, claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6722. Adulteration of glacé fruit. U. S. v. 26 Boxes of Glacé Fruit. Default decree of condemnation and destruction. (F. D. C. No. 11739. Sample No. 70500-F.)

LIBEL FILED: On or about February 17, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about November 30, 1943, by Townsend's California Glacé Fruits Corporation, from San Francisco, Calif.

PRODUCT: 26 4-pound boxes of glacé fruit at Portland, Oreg.

LABEL, IN PART: "California Glacé Fruit."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hairs, and hairs resembling rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6723. Adulteration and misbranding of vinegar. U. S. v. The Speas Co. and John D. Waugh. Pleas of nolo contendere. Fine of \$3,800 for each defendant. (F. D. C. No. 10558. Sample Nos. 3162-F, 3170-F, 13727-F, 15936-F, 15937-F, 27726-F, 36049-F, 36057-F, 36061-F to 36063-F, incl., 36072-F.)

INFORMATION FILED: On November 9, 1943, in the District of Colorado, against the Speas Co., a corporation, and John D. Waugh, Denver, Colo.

ALLEGED SHIPMENT: Between the approximate dates of September 9, 1942, and February 2, 1943, by the defendants, from the State of Colorado into the States of Nebraska, California, and Wyoming; and between the approximate dates of February 15 and March 12, 1943, by the Morey Mercantile Co., into the State of Wyoming. The latter firm had a guaranty, dated June 27, 1939, and signed by the defendant, stipulating that the product was neither adulterated nor misbranded.

LABEL, IN PART: (Barrels) "Sixty Grain [or "ASHER BRAND"] Apple Cider Vinegar," or "Apple Cider Vinegar * * * Packed for Walter Schultz Co. Casper, Wyo."; (bottles) "Solitaire * * * Apple Cider Vinegar"; (jugs) "Fermented Apple Cider."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a substance containing volatile acids derived from sources other than apple cider vinegar had been substituted in whole or in part for the article; and, Section 402 (b) (4), such substance had been added to the article or had been mixed or packed with it so as to reduce its quality.

Misbranding, Section 403 (a), the statements on the labeling of various portions of the article, "Apple Cider Vinegar," "Apple Cider Vinegar Full Strength," and "Apple Cider Vinegar Diluted [or "Reduced"] with Water to 4½% [or "5%"] Acetic Acid Strength," were false and misleading since the article did not consist solely of apple cider vinegar as represented, but was in whole or in part a substance containing volatile acids derived from sources other than apple cider vinegar; Section 403 (b), the article was offered for sale under the name of another food; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label did not bear the common or usual name of such ingredients.

Giving of a false guaranty, Section 301 (h), on or about June 27, 1939, the defendants guarantied the Morey Mercantile Co., Denver, Colo., that all goods furnished to the latter company would be neither misbranded nor adulterated, and thereafter sold and delivered to that company a quantity of vinegar labeled "Apple Cider Vinegar" which was adulterated and misbranded in the manner described above.

DISPOSITION: December 22, 1943. Pleas of nolo contendere having been entered, each defendant was fined \$200 on each of 19 counts, a total fine of \$3,800 for each defendant.

VEGETABLES*

6724. Adulteration of pinto beans. U. S. v. 5 Bags of Pinto Beans. Default decree of forfeiture and destruction. (F. D. C. No. 12986. Sample No. 68054-F.)

LIBEL FILED: July 20, 1944, Southern District of Indiana.

ALLEGED SHIPMENT: On or about February 5, 1944, from Colorado Springs, Colo.

PRODUCT: Pinto beans: 5 bags, each containing 100 pounds, at Evansville, Ind., in the possession of A. Bromm and Co., Inc.

This product had been stored, after shipment, under insanitary conditions. Examination of the product disclosed the presence of rodent excreta pellets and urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 12, 1944. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed. Destruction was effected by feeding the product to hogs.

6725. Adulteration of canned pork and beans with tomato sauce. U. S. v. 115 Cases of Pork and Beans (and 1 other seizure action against pork and beans). Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 11770, 11840, 11841. Sample Nos. 67011-F, 67020-F.)

LIBELS FILED: February 9 and 16, 1944, Eastern and Western Districts of Oklahoma.

ALLEGED SHIPMENT: On or about November 29, 1943, and January 6, 1944, by the Morgan Packing Co., Austin, Ind.

PRODUCT: Pork and beans: 328 cases at Oklahoma City, Okla., 250 cases at Clinton, Okla., and 115 cases at McAlester, Okla., each case containing 24 1-pound, 1½-ounce jars.

Examination showed that the product in some jars was sour and moldy, and in other jars sour and decomposed.

LABEL, IN PART: (Jars) "American Beauty Pork & Beans With Tomato Sauce."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 16 and April 14, 1944. The Morgan Packing Co., claimant, having admitted the allegation of the libels, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

*See also No. 6604.

6726. Adulteration and misbranding of canned turnip greens and canned mustard greens. U. S. v. 500 Cases of Canned Turnip Greens (and 2 other seizure actions against canned mustard greens and turnip greens.) Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 11240. Sample Nos. 47789-F to 47791-F, incl.)

LIBELS FILED: December 6, 1943, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 30, 1943, by the Whiteside Cannery, Van Buren, Ark.

PRODUCT: 500 cases, each containing 24 1-pound, 11-ounce cans, and 185 cases, each containing 6 No. 10 cans, of turnip greens; and 250 cases, each containing 24 1-pound, 9-ounce cans, of mustard greens at St. Louis, Mo.

LABEL, IN PART: (Cans) "Mayfair * * * Turnip Greens Distributed By Central Cannery Inc. Fayetteville, Arkansas," "Durham Brand Mustard Greens * * * Packed By Durham Canning Co., Durham, Ark.," or "American Lady-Topmost Brand Fancy Turnip Greens General Grocer Co. Distributors St. Louis, Mo."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), grass blades and stems had been substituted in whole or in part for the articles; and, Section 402 (b) (4), grass blades and stems had been mixed or packed therewith so as to reduce the articles' quality or strength.

Misbranding, Section 403 (a), the names "Turnip Greens" or "Mustard Greens," appearing on the labeling of the products, were false and misleading as applied to the articles.

DISPOSITION: March 28, 1944. Cases consolidated. H. H. Myer and Virginia B. Whiteside, trading as the Whiteside Cannery, claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the products were ordered released under bond to be relabeled and brought into compliance with the law, under the supervision of the Food and Drug Administration.

6727. Adulteration of canned peas. U. S. v. 1,800 Cases and 1,011 Cases of Canned Peas. Decrees of condemnation. Portion of product ordered released under bond; remainder ordered sold. (F. D. C. Nos. 12306, 12653. Sample Nos. 72300-F, 72731-F, 80481-F.)

LIBELS FILED: May 2 and July 20, 1944, Eastern District of Missouri; latter libel amended July 24, 1944.

ALLEGED SHIPMENT: On or about April 6 and 19, 1944, by Lansing B. Warner, Inc., from Penn Yan and Shortsville, N. Y.

PRODUCT: Canned peas: 1,800 cases and 1,011 cases, each containing 24 cans, at St. Louis, Mo. Libel covering latter lot amended to cover 500 cases, the amount seized.

LABEL, IN PART: (Portion, cans) "AG Quality Brand Delicious Small Peas Fancy Sweet Contents 1 Lb. 4 Oz. Associated Grocers Company, Inc. Distributors St. Louis, Mo."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 23, 1944. Lansing B. Warner, Inc., Chicago, Ill., claimant for the 1,800 cases, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for resorting and destruction of the unfit portion, under the supervision of the Food and Drug Administration. No claimant having appeared for the remaining lot, judgment of condemnation was entered and the product was ordered sold, provided that it be denatured so that it could not be used for human consumption.

Nos. 6728 to 6740 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but its quality fell below the standard because of higher alcohol-insoluble solids than the 23.5 percent maximum permitted by the standard, and its label failed to bear, in the manner and form that the regulations specify, a statement that it fell below the standard. In addition, the peas reported in Nos. 6735 to 6738 were below standard because of the high percentage of ruptured peas; those reported in Nos. 6738 and 6739 fell below the standard of fill of container; and those reported in No. 6740 failed to bear required labeling information.

6728. Misbranding of canned peas. U. S. v. 150 Cases of Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 12474. Sample No. 72754-F.)

LIBEL FILED: May 31, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 5, 1943, by the Sauk City Canning Co., Sauk City, Wis.

PRODUCT: 150 cases, each containing 24 cans, of peas at St. Louis, Mo.

LABEL, IN PART: "Belle of Sauk City Wisconsin Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard.

DISPOSITION: July 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

6729. Misbranding of canned peas. U. S. v. 746 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12129. Sample No. 66552-F.)

LIBEL FILED: April 4, 1944, Western District of Oklahoma.

• **ALLEGED SHIPMENT:** On or about August 30, 1943, by the Friday Canning Corporation, from New Richmond, Wis.

PRODUCT: 746 cases, each containing 24 1-pound, 4-ounce cans, of peas at Oklahoma City, Okla.

LABEL, IN PART: (Can) "Rainbow Brand * * * Selected Products Inc. Chicago, Ill., Exclusive Distributors."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard.

DISPOSITION: May 16, 1944. The Fleming Co., Inc., Oklahoma City, Okla., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6730. Misbranding of canned peas. U. S. v. 79 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 11231. Sample No. 53240-F.)

LIBEL FILED: December 11, 1943, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about September 2, 1943, by the Frederick Canning Co., from Baltimore, Md.

PRODUCT: 79 cases, each containing 24 1-pound, 4-ounce cans, of peas at Newport News, Va.

LABEL, IN PART: (Cans) "Proclamation Brand Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard.

DISPOSITION: February 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

6731. Misbranding of canned peas. U. S. v. 176 Cases of Canned Peas. Decree ordering that the product be released under bond to be relabeled. (F. D. C. No. 10402. Sample No. 52890-F.)

LIBEL FILED: August 16, 1943, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about July 17, 1943, by the Howard E. Jones Co., from Baltimore, Md.

PRODUCT: 176 cases, each containing 6 6-pound, 9-ounce cans, of peas at Norfolk, Va.

LABEL, IN PART: "Assau's High Grade Brand * * * June Peas Distributed by W. F. Assau Canning Co. Baltimore, Md."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard.

DISPOSITION: September 1, 1943. The W. F. Assau Canning Co. having appeared as claimant, judgment was entered ordering the release of the product under bond for relabeling under the supervision of the Food and Drug Administration.

6732. Misbranding of canned peas. U. S. v. 308 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12127. Sample No. 66554-F.)

LIBEL FILED: April 4, 1944, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about December 3, 1943, by Onalaska Pickle and Canning Co., from Onalaska, Wis.

PRODUCT: 308 cases, each containing 24 1-pound, 4-ounce cans, of peas at Oklahoma City, Okla.

LABEL, IN PART: (Can) "Lone Eagle Early June Peas * * * Distributed By Collins-Dietz-Morris Co. Oklahoma City-Tulsa-Lawton Oklahoma."

VIOLATION CHARGED: Misbranding, Section 403 (h)(1), this product was below standard.

DISPOSITION: May 23, 1944. The Onalaska Pickle and Canning Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6733. Misbranding of canned peas. U. S. v. 849 Cases of Peas. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12093. Sample No. 40256-F.)

LIBEL FILED: March 25, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about November 1, 1943, by the Gale Packing Co., from Galesville, Wis.

PRODUCT: 849 cases, each containing 24 1-pound, 4-ounce cans, of peas at Minneapolis, Minn.

LABEL, IN PART: (Cans) "Banner Blue Brand * * * Wisconsin Size 4 Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h)(1), this product was below standard.

DISPOSITION: April 28, 1944. The Gale Packing Co., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6734. Misbranding of canned peas. U. S. v. 178 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled (F. D. C. No. 10844. Sample No. 52837-F.)

LIBEL FILED: September 28, 1943, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about July 12, 1943, by J. Langrall & Bro., Inc., from Baltimore, Md.

PRODUCT: 178 cases, each containing 24 1-pound, 4-ounce cans, of peas at Norfolk, Va.

LABEL, IN PART: (Cans) "Red Moon Brand Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h)(1), this product was below standard.

DISPOSITION: November 22, 1943. J. Langrall & Bro., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6735. Misbranding of canned peas. U. S. v. 178 Cases of Canned Peas (and 2 other seizure actions against canned peas). Consent decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 10405, 10441, 10829. Sample Nos. 52836-F, 52882-F, 52888-F.)

LIBELS FILED: Between August 16 and September 25, 1943, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about June 24 and July 10, 1943, by J. Langrall & Bro., Inc., from Baltimore, Md.

PRODUCT: Peas: 1,314 cases, each containing 24 1-pound, 4-ounce cans, at Norfolk, Va.

LABEL IN PART: (Cans) "Red Moon Brand Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403(h)(1), in addition to the high alcohol-insoluble solids content of all the lots, portions of these peas were below standard because of the high percentage of ruptured peas in the containers.

DISPOSITION: Between September 7 and November 22, 1943, J. Langrall & Bro., Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6736. Misbranding of canned peas. U. S. v. The Frederick City Packing Co. Plea of guilty. Fine, \$75 and costs. (F. D. C. No. 11374. Sample Nos. 35523-F, 46382-F, 46383-F.)

INFORMATION FILED: On March 7, 1944, in the District of Maryland, against the Frederick City Packing Co., a corporation, Frederick, Md.

ALLEGED SHIPMENT: From on or about July 24 to August 21, 1943, from the State of Maryland into the States of North Carolina and Virginia.

LABEL, IN PART: "Proclamation [or "Pride of the Valley"] Brand * * * Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403(h)(1), in addition to the high alcohol-insoluble solids content, these peas were below standard because of the high percentage of ruptured peas.

DISPOSITION: May 25, 1944. The defendant having entered a plea of guilty, a fine of \$25 was imposed on each of 3 counts, a total fine of \$75, plus costs.

6737. Misbranding of canned peas. U. S. v. 94 Cases of Canned Peas (and 2 other seizure actions against canned peas). Decrees of condemnation. Two lots ordered released under bond; remaining lot ordered delivered to a charitable institution. (F. D. C. Nos. 10703, 10849, 11025. Sample Nos. 35522-F, 35833-F, 46367-F.)

LIBELS FILED: Between September 10 and December 6, 1943, Middle and Eastern Districts of North Carolina.

ALLEGED SHIPMENT: From on or about June 30 to July 2, 1943, by D. E. Foote & Co., Inc., from Baltimore, Md.

PRODUCT: Peas: 94 cases at Durham, N. C., 200 cases at Dunn, N. C., and 169 cases at Rocky Mount, N. C., each case containing 24 1-pound, 4-ounce cans.

LABEL, IN PART: (Cans) "Family Brand Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), in addition to the high alcohol-insoluble solids content of all the lots, the lots at Durham and Rocky Mount were below standard because of the high percentage of ruptured peas in the containers.

DISPOSITION: Between December 10, 1943, and January 21, 1944, D. E. Foote & Co., Inc., claimant for the Rocky Mount and Dunn, N. C., lots, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. On February 9, 1944, no claimant having appeared for the Durham lot, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

6738. Misbranding of canned peas. U. S. v. 142 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 10388. Sample No. 46343-F.)

LIBEL FILED: August 17, 1943, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about June 30, 1943, by D. E. Foote & Co., Inc., Baltimore, Md.

PRODUCT: 142 cases, each containing 24 1-pound, 4-ounce cans, of peas at Henderson, N. C.

LABEL, IN PART: (Can) "Family Brand Early June Peas."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), in addition to the high alcohol-insoluble solids content, the peas were below standard because of the high percentage of ruptured peas in the container; and, Section 403 (h) (2), the product fell below the standard of fill of container.

DISPOSITION: November 2, 1943. D. E. Foote & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

6739. Misbranding of canned peas. U. S. v. 152 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 10388. Sample No. 46344-F.)

LIBEL FILED: August 17, 1943, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about June 23, 1943, by the Eastern Shore Canning Co., Machipongo, Va.

PRODUCT: 152 cases, each containing 24 1-pound, 4-ounce cans, of peas at Henderson, N. C.

LABEL, IN PART: (Can) "Virginia's Best Early June Peas."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), in addition to being below standard because of high alcohol-insoluble solids, the product was misbranded under Section 403 (h) (2) because it fell below the standard of fill of container.

DISPOSITION: January 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

6740. Misbranding of canned peas. U. S. v. 98 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12193. Sample No. 62445-F.)

LIBEL FILED: On or about April 17, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 8, 1943, by the J. B. Inderrieden Co., from Hampshire, Ill.

PRODUCT: 98 cases, each containing 24 1-pound, 4-ounce cans, of peas at St. Louis, Mo.

The article was shipped unlabeled and invoiced as standard.

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (1), the product was a food in package form, and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and, Section 403 (h) (1), it was below standard.

DISPOSITION: May 6, 1944. The Lucido Bros. Grocery Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The article was relabeled.

6741. Adulteration of canned okra. U. S. v. 72 Cases of Canned Okra. Default decree of condemnation and destruction. (F. D. C. No. 12143. Sample No. 54160-F.)

LIBEL FILED: April 6, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about January 24, 1944, by the Southern Shell Fish Co., Inc., from Laurel, Miss.

PRODUCT: 72 cases, each containing 24 1-pound, 2-ounce cans, of okra at Bisbee, Ariz.

LABEL, IN PART: (Cans) "Gulf Pride Brand Cut Okra."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6742. Misbranding of onions. U. S. v. Ady & Milburn, Inc. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 11372. Sample No. 57903-F.)

INFORMATION FILED: On March 10, 1944, in the District of Colorado, against Ady & Milburn, Inc., La Junta, Colo.

ALLEGED SHIPMENT: On or about October 11, 1943, from the State of Colorado into the State of Illinois.

LABEL, IN PART: "A & M 50 Lbs. Net Onions."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "50 Lbs. Net" was false and misleading as applied to the product, which was short weight; and, Section 403 (e) (2), the product was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 8, 1944. A plea of nolo contendere having been entered, the defendant was fined \$100.

6743. Misbranding of onions. U. S. v. William T. Robinson and Forrest Robinson (W. T. Robinson & Son). Pleas of guilty. Each defendant fined \$300. (F. D. C. No. 11408. Sample Nos. 23484-F to 23486-F, incl., 56190-F.)

INFORMATION FILED: On May 10, 1944, in the District of Colorado, against William T. Robinson and Forrest Robinson, trading as W. T. Robinson & Son, Fowler, Colo.

ALLEGED SHIPMENT: On or about October 13, 14, and 15, 1943, from the State of Colorado into the States of Pennsylvania and New York.

LABEL, IN PART: (Portions of article) "Fultonet Yellow Onions * * * Radio-Pac Brand Shippers And Distributors Piowaty Fruit Co. Chicago, Ill.," or "Onions, C. M. Miller Co., Rocky Ford, Colo."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "50 Lbs. Net," borne on the labels of all shipments of the article, was false and misleading since the article contained less than the declared weight; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 23, 1944. Pleas of guilty having been entered, each defendant was fined \$75 on each of 4 counts.

6744. Misbranding of onions. U. S. v. Peter Rubey and Gottlieb Keck (Keck Produce Co.). Pleas of nolo contendere. Each defendant fined \$100. (F. D. C. No. 11405. Sample Nos. 36300-F, 57801-F.)

INFORMATION FILED: On May 15, 1944, in the District of Colorado, against Peter Rubey and Gottlieb Keck, trading as the Keck Produce Co., Rocky Ford, Colo.

ALLEGED SHIPMENT: On or about October 11, 1943, from the State of Colorado into the States of Illinois and Pennsylvania.

LABEL, IN PART: (Sacks) "Colorado Ruby Brand Onions 50 Lbs."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "50 Lbs." was false and misleading since the article contained less than the declared weight; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 23, 1944. Pleas of nolo contendere having been entered, each defendant was fined \$50 on each of 2 counts, a total fine of \$100 each.

6745. Misbranding of onions. U. S. v. 677 Sacks of Onions. Decree of condemnation. Product ordered released under bond to be resacked and relabeled, or re-marked. (F. D. C. No. 12979. Sample No. 28897-F, 60746-F.)

LIBEL FILED: July 17, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about June 29, 1944, by the A. Levy & J. Zentner Co., from Stockton, Calif.

PRODUCT: 677 sacks of onions at Jacksonville, Fla.

LABEL, IN PART: (Sacks) "Red Rooster California's Best 50 Lbs. Net."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "50 Lbs. Net" was false and misleading as applied to an article that was short weight; and, Section 403 (e) (2), the product was a food in package form and failed to bear a label which contained an accurate statement of the quantity of the contents.

DISPOSITION: July 19, 1944. The Winn & Lovett Grocery Co., Jacksonville, Fla., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be resacked and relabeled, or re-marked, under the supervision of the Food and Drug Administration. The onions were repacked to full weight.

6746. Misbranding of potatoes. U. S. v. Joseph A. Baumel and Herman J. Kurtz (Baumel and Kurtz). Pleas of nolo contendere. Each defendant fined \$200. (F. D. C. No. 11397. Sample Nos. 38183-F, 38506-F.)

INFORMATION FILED: On April 26, 1944, in the Southern District of California, against Joseph A. Baumel and Herman J. Kurtz, copartners trading as Baumel and Kurtz, at Shafter, Calif.

ALLEGED SHIPMENT: On or about June 19 and 22, 1943, from the State of California into the State of Illinois.

LABEL, IN PART: "U. S. No. 1 Circle Bar Brand California Potatoes * * * 100 Lbs. Net Weight."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "100 Lbs. Net Weight" was false and misleading since the sacks contained a smaller amount; and, Section 403 (e) (2), the product was in package form and its label failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: On May 22 and 25, 1944, Herman J. Kurtz and Joseph A. Baunel entered pleas of nolo contendere, and each defendant was fined \$200.

6747. Adulteration of canned spinach. U. S. v. 528 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 12141. Sample No. 61160-F.)

LIBEL FILED: On or about April 10, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about December 16, 1943, by the Whiteside Cannery (for George F. Porbeck) from Van Buren, Ark.

PRODUCT: 528 cases, each containing 24 cans, of spinach at Baton Rouge, La.

LABEL, IN PART: "Mayfair Spinach * * * Distributed by Central Cannery, Inc., Fayetteville, Arkansas."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6748. Adulteration of dehydrated spinach flakes. U. S. v. 431 Cartons of Dehydrated Spinach Flakes. Default decree of condemnation and destruction. (F. D. C. No. 12090. Sample No. 949-F, 950-F, 960-F.)

LIBEL FILED: March 28, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 18 and 22, and February 2, 1944, by the Evangeline Pepper & Food Products, from St. Martinville, La.

PRODUCT: 431 cartons, containing a total of 8,665 pounds, of dehydrated spinach flakes at Chicago, Ill.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments, and was otherwise unfit for food by reason of the presence of sand; and, Section 402 (b) (4), sand had been mixed and packed therewith so as to reduce its quality.

DISPOSITION: May 10, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6749. Adulteration and misbranding of dehydrated spinach flakes. U. S. v. 36 Cases of Dehydrated Spinach Flakes. Default decree of condemnation and destruction. (F. D. C. No. 12001. Sample No. 59050-F.)

LIBEL FILED: March 13, 1944, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about September 1, 1943, by the P. D. Ridenour Co., from Chicago, Ill.

PRODUCT: 36 cases, each containing 24 1-ounce envelopes, of dehydrated spinach flakes at Weston, W. Va.

LABEL, IN PART: (Envelope) "De-Hydrated Tender Baby Spinach Flakes No Sand or Grit Little Major."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of sand; and, Section 402 (b) (4), sand had been mixed and packed therewith so as to reduce its quality.

Misbranding, Section 403 (a), the statement on the labeling, "No Sand or Grit," was false and misleading as applied to the article, which contained a considerable amount of sand.

DISPOSITION: April 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS*

6750. Adulteration of canned tomatoes. U. S. v. 100 Cases of Canned Tomatoes. Default decree of condemnation. Product ordered sold. (F. D. C. No. 12021. Sample No. 62629-F.)

LIBEL FILED: March 14, 1944, Eastern District of Missouri; amended libel filed March 21, 1944, covering seizure of additional amount of the product.

ALLEGED SHIPMENT: On or about November 3, 1942, by Lansing B. Warner, Inc., from Chicago, Ill.

*See also No. 6725.

PRODUCT: 100 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at St. Louis, Mo.

LABEL, IN PART: (Cans) "Cardinal Brand Tomatoes * * * Packed by Kent Packing Co. Rock Hall, Md."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, conditioned that it be disposed of only in compliance with the law. The unfit portion was segregated and destroyed under the supervision of the Food and Drug Administration.

6751. Adulteration of canned tomatoes. U. S. v. 221 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12169. Sample Nos. 53498-F, 59040-F.)

LABEL FILED: On or about April 20, 1944, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about October 12, 1943, by Henson Bros., Elliston, Va.

PRODUCT: 221 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Bradshaw, W. Va.

LABEL, IN PART: "Valley View Brand Hand Packed Tomatoes * * * Packed For Valley View Canning Co. Elliston, Virginia."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 5, 1944. Dry Fork Wholesale Grocery Co., Bradshaw, W. Va., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the adulterated portion under the supervision of the Food and Drug Administration. The unfit portion was destroyed.

6752. Misbranding of canned tomatoes. U. S. v. 1,245 Cases and 1,797 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11548. Sample Nos. 35547-F, 35548-F.)

LABEL FILED: January 1, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about September 10 and 23, 1943, by the W. H. Killian Co., from Baltimore, Md.

PRODUCT: 3,042 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Charlotte, N. C.

Examination showed some of the product to be grade C tomatoes.

LABEL, IN PART: (Cans) "Sultana Grade B Tomatoes * * * The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributors."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statement "Grade B," which appeared on the label of the article, was false and misleading as applied to the product, which fell below that quality grade.

DISPOSITION: March 11, 1944. The W. H. Killian Co. having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6753. Misbranding of canned tomatoes. U. S. v. 848 Cases and 249 Cases of Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11151. Sample Nos. 58505-F, 58506-F.)

LABEL FILED: November 19, 1943, Western District of Virginia.

ALLEGED SHIPMENT: On or about August 21, 1943, by the H. J. McGrath Co., from Baltimore, Md.

PRODUCT: 1,097 cases, each containing 24 cans, of tomatoes at Radford, Va.

LABEL, IN PART: (Cans) "Realm Vine Ripened Tomatoes * * * Distributed by Household Products Co., General Offices, Chicago."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product fell below the standard of quality prescribed by the regulations because of peel in excess of 1 square inch per pound of canned tomatoes, the maximum peel permitted by the standard, and it did not bear the substandard legend.

DISPOSITION: December 24, 1943. The H. J. McGrath Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6754. Adulteration of tomato paste. U. S. v. 859 Cases of Tomato Paste. Consent decree of condemnation and destruction. (F. D. C. No. 3793. Sample Nos. 33009-E, 33010-E.)

LIBEL FILED: February 10, 1941, Southern District of New York; amended libel filed May 14, 1942.

ALLEGED SHIPMENT: On or about May 22, 1940, by F. Vitelli & Figli, from Naples, Italy.

PRODUCT: 859 cases, each containing 100 6-ounce cans, of tomato paste at New York, N. Y.

Examination showed that the product contained mold.

LABEL, IN PART: (Cans) "Tomato Paste Pride of Naples Brand."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed tomato material.

DISPOSITION: On October 22, 1943. Samuel Kirsch, claimant, having previously consented to the entry of a decree in the event that he did not obtain permission to export the product, and not having obtained such permission, judgment of condemnation was entered and the product was ordered destroyed.

6755. Adulteration of tomato paste. U. S. v. 289 Cases and 599 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 11994, 12031. Sample Nos. 60268-F, 60273-F.)

LIBELS FILED: March 11 and 17, 1944, Districts of Rhode Island and Massachusetts.

ALLEGED SHIPMENT: On or about February 24 and March 9, 1944, by the Mel-Williams Co., from San Francisco, Calif.

PRODUCT: 599 cases at Providence, R. I., and 289 cases at Boston, Mass., each case containing 100 6-ounce cans of tomato paste.

LABEL, IN PART: (Cans) "Dainty Pak Brand Tomato Paste * * * Pacific Grape Products Co., Modesto, Cal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 24 and May 22, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6756. Adulteration of tomato puree. U. S. v. 398 Cases and 986 Cases of Tomato Puree. Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 11869, 12124. Sample Nos. 51712-F, 51991-F.)

LIBELS FILED: February 21 and April 1, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 27 and December 4, 1943, by the Orleans County Canning Co., from Albion, N. Y.

PRODUCT: 1,384 cases, each containing 6 cans, of tomato puree at Boston, Mass.

LABEL, IN PART: (Cans) "Matchless Brand Fancy Grade Tomato Puree * * * Webster-Thomas Co., Boston, Mass. Distributors," or "Pastene Fancy Tomato Puree * * * Distributed By Pastene & Co., Inc. New York—Boston—Montreal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 15 and 25, 1944. The Orleans County Canning Co., claimant for a portion of the product, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration. No claimant having appeared for the remainder, judgment of condemnation was entered and that portion was ordered destroyed.

6757. Adulteration of tomato puree. U. S. v. 20 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 11752. Sample No. 62616-F.)

LIBEL FILED: February 4, 1944, Southern District of Illinois.

ALLEGED SHIPMENT: On or about January 11, 1944, by the Acme Preserve Co., from Adrian, Mich.

PRODUCT: 20 cases, each containing 6 No. 10 cans, of tomato puree at Peoria, Ill.

LABEL, IN PART: (Cans) "The White A Brand Tomato Puree Prepared By Acme Preserve Co. Adrian Mich."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MEAT AND POULTRY*

6758. Adulteration of frozen dressed poultry. U. S. v. Louis Claude Henderson (Henderson Produce Co.). Plea of guilty. Fine, \$50. (F. D. C. No. 10579. Sample No. 2358-F.)

INFORMATION FILED: On November 27, 1943, in the Eastern District of Missouri, against Louis Claude Henderson, trading as the Henderson Produce Co., at Monroe City, Mo.

ALLEGED SHIPMENT: On or about February 4, 1943, from the State of Missouri into the State of Illinois.

VIOLATION CHARGED: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of diseased animals, poultry which was in whole or in part diseased at the time of slaughter.

DISPOSITION: May 22, 1944. A plea of guilty having been entered, the defendant was fined \$50.

6759. Adulteration of dressed poultry. U. S. v. 4 Barrels of Dressed Poultry. Default decree of condemnation and destruction. (F. D. C. No. 12253. Sample No. 75704-F.)

LIBEL FILED: April 24, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about April 16, 1944, by R. L. Kelley, from Lecato, Va.

PRODUCT: 4 barrels, containing about 600 pounds, of dressed poultry at Buffalo, N. Y.

Examination showed the presence of decomposed poultry and poultry contaminated with manure.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance.

DISPOSITION: May 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6760. Adulteration of dressed poultry. U. S. v. 134 Barrels, 149 Barrels, and 34 Boxes of Dressed Poultry. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11534. Sample Nos. 48268-F, 48269-F.)

LIBEL FILED: December 29, 1943, Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 28 and November 2, 1943, by the Campbell Soup Co., Chicago, Ill.

PRODUCT: 283 barrels, each containing approximately 225 pounds, and 34 boxes, each containing approximately 80 pounds, of dressed poultry at Cleveland, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 21, 1944. The Campbell Soup Co., claimant, having admitted the adulteration of the product, judgment of condemnation was entered and the product was ordered released upon deposit of a cash bond, conditioned that the unfit portion be segregated and destroyed, or sold for purposes other than human consumption, under the supervision of the Food and Drug Administration.

*See also Nos. 6725, 6783.

6761. Adulteration of rabbits. U. S. v. 47 Crates and 259 Crates of Rabbits (and 1 other seizure action against rabbits). Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 12013, 12029. Sample Nos. 55057-F to 55060-F, incl.)

LIBELS FILED: On March 14 and 18, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 19 and 23, 1944, by the Mid-Kansas Distributing Co., from McPherson and Lindsborg, Kans.

PRODUCT: 494 crates, containing a total of approximately 34,045 pounds, of rabbits at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 5 and 22, 1944. C. E. Maupin, trading as the Farmers Produce Co., Atchison, Kans., claimant for a portion of the product, having admitted the facts in the libel relating thereto, judgment of condemnation was entered and that portion was ordered released under bond to be salvaged by segregating the good from the bad, under the supervision of the Food and Drug Administration. No claimant having appeared for the remainder, judgment of condemnation was entered and that portion was ordered destroyed.

6762. Adulteration of dressed rabbits. U. S. v. 72 Crates of Rabbits. Default decree of condemnation and destruction. (F. D. C. No. 12027. Sample No. 55062-F.)

LIBEL FILED: March 18, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 5, 1944, by the Sunflower Poultry & Egg Co., from McPherson, Kans.

PRODUCT: 72 crates, containing approximately 4,750 pounds, of dressed rabbits at Chicago, Ill.

LABEL, IN PART: "Dressed Jacks."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 10, 1944. No claimant having appeared, judgment of condemnation was entered and product was ordered destroyed.

NUTS AND NUT PRODUCTS*

6763. Adulteration of peanut butter and Peanut Krackel. U. S. v. 70 Cases of Peanut Butter (and 1 other seizure action against Peanut Krackel and peanut butter). Decrees of condemnation. Products ordered destroyed. (F. D. C. Nos. 11725, 12311. Sample Nos. 43894-F, 66759-F, 66761-F.)

LIBELS FILED: On or about January 27 and May 27, 1944, Western District of Oklahoma and District of Kansas.

ALLEGED SHIPMENT: On or about December 15, 1943, and February 22, 1944, by the Kimbell Food Products Co., from Fort Worth, Tex.

PRODUCT: 70 cases, each containing 24 jars, of peanut butter at Cushing, Okla., and 139 cases, each containing 12 jars, of peanut butter, and 32 cases, each containing 24 jars, of Peanut Krackel at Pittsburg, Kans.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence, in the Cushing lot, of rodent excreta and rodent hairs, and, in the Pittsburg lots, of pieces of stone, pieces of stem, seeds, dirt, sand, and rock-like material.

DISPOSITION: March 8 and May 22, 1944. No claimant having appeared for the Cushing lot, and the owner of the Pittsburg lots having admitted that the products were adulterated, judgments of condemnation were entered and the products were ordered destroyed.

6764. Adulteration and misbranding of peanut butter. U. S. v. 135 Cases of Peanut Butter (and 2 other seizure actions against peanut butter). Default decrees of condemnation. One lot ordered used for hog feed; remainder ordered destroyed. (F. D. C. Nos. 11726, 11914, 12009. Sample Nos. 36693-F, 58028-F, 61159-F.)

LIBELS FILED: Between January 28 and March 13, 1944, Eastern District of Louisiana, District of Utah, and District of Idaho.

ALLEGED SHIPMENT: From on or about September 7, 1942, to November 1, 1943, by the Sessions Co., Inc., Enterprise, Ala.

*See also Nos. 6651, 6656.

PRODUCT: Peanut butter: 135 cases, each containing 12 1-pound, 8-ounce jars, at Baton Rouge, La.; 22 cases, each containing 12 2-pound jars, at Salt Lake City, Utah; and 32 cases, each containing 24 1-pound jars at Idaho Falls Idaho.

The average net weight of the jars of peanut butter at Idaho Falls was 15.66 ounces.

LABEL, IN PART: (Jars) "Goldcraft Peanut Butter."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), (Baton Rouge and Salt Lake City lots) the product consisted in whole or in part of a filthy substance by reason of the presence of dirt.

Misbranding (Idaho Falls lot), Section 403 (a), the statement which appeared on the labeling of the jars, "Net Wt. 1 Lb.," was false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: Between April 15 and June 24, 1944, no claimant having appeared, judgments of condemnation were entered and the Salt Lake City lot was ordered used for hog feed, and the remaining lots were ordered destroyed.

6765. Misbranding of peanut butter. U. S. v. 36 Cases of Peanut Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12077. Sample No. 48195-F.)

LIBEL FILED: March 24, 1944, Western District of Kentucky.

ALLEGED SHIPMENT: Between the approximate dates of November 20, 1943, and February 14, 1944, by the Fletcher-Wilson Coffee Co., from Nashville, Tenn.

PRODUCT: Peanut butter: 36 cases, each containing 24 jars, at Campbellsville, Ky.

LABEL, IN PART: (Jars) "Luxury * * * Peanut Butter."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "1 lb." was false and misleading since the product was short weight; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 15, 1944. The Fletcher-Wilson Coffee Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be refilled or relabeled in conformance with the law, under the supervision of the Food and Drug Administration.

6766. Misbranding of peanut butter. U. S. v. 20 Cases of Peanut Butter. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 12050. Sample No. 52043-F.)

LIBEL FILED: March 20, 1944, District of New Hampshire.

ALLEGED SHIPMENT: On or about January 18, 1944, by the John W. Leavitt Co., from Boston, Mass.

PRODUCT: 20 cases, each containing 12 jars, of peanut butter at Manchester, N. H.

LABEL, IN PART: (Jar) "Teddie Brand Delicious Peanut Butter * * * 1 Lb. Net Wt."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "1 Lb. Net Wt." was false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

6767. Adulteration of peanuts. U. S. v. 76 Bags of Peanuts (and 4 other seizure actions against peanuts.) Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 10991, 10992, 11047, 12205, 12823. Sample Nos. 48848-F, 48912-F, 48992-F, 53678-F, 76914-F.)

LIBELS FILED: Between October 25, 1943, and June 29, 1944, Northern and Southern Districts of Ohio, Eastern District of New York, and Southern District of California.

ALLEGED SHIPMENT: From on or about February 27, 1943, to March 18, 1944, by the Southern Cotton Oil Co., from Cordele, Tipton, and Dawson, Ga., and Andalusia, Ala.

PRODUCT: Peanuts: 76 bags at Kenton, Ohio, 20 bags at Columbus, Ohio, and 257 bags at Dayton, Ohio, each bag containing 125 pounds; 419 bags at Los

Angeles, Calif., each bag containing about 120 pounds; and 100 50-pound bags at Brooklyn, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy or decomposed substance by reason of the presence of insect-gnawed, decomposed, rancid, or dirty peanuts, insect excreta, webbing, worm-cut peanuts, and live and dead insects.

DISPOSITION: On January 7, 1944, E. J. Griffiths & Son, Columbus, Ohio, having appeared as claimant for the Columbus lot, judgment was entered ordering the release of the product under bond for use as hog feed. Between January 25 and August 24, 1944, E. J. Griffiths & Son, the William S. Scull Co., Dayton, Ohio, Chas. T. Taylor, trading as the Chas. T. Taylor Co., Los Angeles, Calif., and the National Almond Products Co., Inc., Brooklyn, N. Y., having appeared as claimants, respectively, for the lots at Kenton, Dayton, Los Angeles, and Brooklyn, judgments of condemnation were entered and the product was ordered released under bond for disposition as animal feed, conversion into peanut oil, or other lawful disposition.

6768. Adulteration of shelled peanuts. U. S. v. 32 Bags of Shelled Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12151. Sample No. 64863-F.)

LIBEL FILED: April 6, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about December 1, 1943, from Franklin, Va.

PRODUCT: 32 bags of shelled peanuts at Tacoma, Wash., in possession of Rex F. Adams & Co.

The peanuts had been stored under insanitary conditions after shipment. The bags were rodent-torn, and contained rodent urine stains and rodent excreta. Examination of samples showed that the product contained rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402(a)(3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 26, 1944. Rex F. Adams & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

6769. Adulteration of shelled peanuts. U. S. v. 109 Bags and 352 Bags of Shelled Peanuts. Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 11999, 12972. Sample Nos. 53645-F, 53692-F.)

LIBELS FILED: March 11 and July 17, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about May 20 and 27, 1944, by the Gorman Peanut Co., Inc., from Gorman, Tex.

PRODUCT: Shelled Peanuts: 352 bags, each containing approximately 115 pounds, and 109 bags, at Los Angeles, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirty peanuts in one portion, and of insect excreta in the remainder.

DISPOSITION: March 24 and August 30, 1944. Morris Rosenberg and the Rawak Candy Co., Los Angeles, Calif., claimants for respective portions of the article, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

6770. Adulteration of peanuts. U. S. v. 248 Bags of Peanuts (and 1 other seizure action against peanuts). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 10841, 11626. Sample Nos. 30034-F, 55723-F.)

LIBELS FILED: October 7 and January 13, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about April 28 and July 6, 1943, by the Consumers Peanut Co., from Stephenville, and Carbon, Tex.

PRODUCT: Peanuts: 322 100-pound bags at Seattle, Wash., and 248 100-pound bags at Tacoma, Wash.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, pupae, insect excreta, webbing, and worm-cut peanuts.

DISPOSITION: On October 29, 1943, and February 10, 1944. The Butler Packing Co., Inc., Seattle, Wash., claimant for the Seattle lot, and John D. Hamilton, claimant for the Tacoma lot, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

6771. Adulteration of peanuts. U. S. v. 162 Bags of Peanuts (and 1 other seizure action against peanuts). Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 10840, 11235. Sample Nos. 29718-F, 29733-F, 55724-F.)

LIBELS FILED: October 7 and December 3, 1943, Western District of Washington and Northern District of California.

ALLEGED SHIPMENT: On or about January 28 and June 4, 1943, by the Woldert Peanut Products Co., from Dublin and Tyler, Tex.

PRODUCT: Peanuts: 176 100-pound bags at Seattle, Wash., and 162 125-pound bags at Oakland, Calif.

LABEL, IN PART: "Wolco Brand."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, pupae, insect excreta, and webbing.

DISPOSITION: October 29 and December 17, 1943. The California Peanut Co., Oakland, Calif., and the Butler Packing Co., Inc., Seattle, Wash., having appeared as claimants for the respective lots at Oakland and Seattle, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

6772. Adulteration of pecans. U. S. v. 18 Bags of Pecans. Default decree of condemnation and destruction. (F. D. C. No. 11443. Sample No. 49011-F.)

LIBEL FILED: December 17, 1943, Northern District of Ohio.

ALLEGED SHIPMENT: On or about April 14, 1943, by the Consolidated Pecan Sales Co., Albany, Ga.

PRODUCT: 18 bags, each containing 50 pounds, of pecans at Cleveland, Ohio.

LABEL, IN PART: "King Cole."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of shriveled, rancid, decomposed, and insect-infested nuts.

DISPOSITION: May 26, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6773. Adulteration of piñon nuts. U. S. v. 227 Bags of Piñon Nuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11781. Sample No. 53634-F.)

LIBEL FILED: February 9, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about December 24, 1943, by Gross, Kelly & Co., Inc., from Gallup, N. Mex.

PRODUCT: 227 bags, each containing approximately 83 pounds, of piñon nuts at Los Angeles, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of pellets resembling rabbit excreta.

DISPOSITION: February 25, 1944. Gonzalez & Blanco, Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

6774. Adulteration of unshelled black walnuts. U. S. v. 600 Bags of Black Walnuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11466. Sample No. 53802-F.)

LIBEL FILED: December 18, 1943, Southern District of California.

ALLEGED SHIPMENT: On or about November 12, 1943, by the Gravette Shelling Co., from Gravette, Ark.

PRODUCT: 600 bags, each containing 100 pounds, of unshelled black walnuts at Los Angeles, Calif.

VIOLATION CHARGED: * Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of rancid, wormy, and moldy nuts, and it was otherwise unfit for food in that it contained shriveled nuts.

DISPOSITION: February 17, 1944. The Los Angeles Nut House, Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the good portion from the bad, under the supervision of the Food and Drug Administration. The unfit portion was denatured.

6775. Adulteration of shelled walnuts. U. S. v. 86 Cartons and 63 Cases of Shelled Walnuts. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 12237, 12367. Sample Nos. 55845-F, 70793-F.)

LIBEL FILED: May 8 and 13, 1944, Western District of Washington.

ALLEGED SHIPMENT: From on or about December 17, 1943, to February 10, 1944, by the Consolidated Nut Co., from Los Angeles, Calif.

PRODUCT: Shelled walnuts: 63 cases, each containing 25 pounds, at Seattle, Wash., and 86 cartons, labeled as containing 25 pounds, at Tacoma, Wash.

LABEL, IN PART: "Grade Light Ambers," or "Golden Bear Shelled California Walnuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), a portion of the article consisted in whole or in part of a filthy substance by reason of the presence of insect-damaged walnut meats, webbing, and insect excreta, and the remainder consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and moldy walnut meats.

DISPOSITION: June 17, 1944. Cases consolidated. The Consolidated Nut Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law. The unfit portion was segregated and destroyed.

OILS AND FATS

6776. Adulteration and misbranding of edible oil. U. S. v. 268 Cans of Oil. Default decree of condemnation. Product ordered sold. (F. D. C. No. 12106. Sample No. 76118-F.)

LIBEL FILED: On or about March 30, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about February 4, 1944, by Michael Catanzaro, from Portchester, N. Y.

PRODUCT: 268 1-gallon cans of oil at New Haven, Conn.

LABEL, IN PART: "Puglia Brand Superfine Pure Edible Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (c), the article contained a coal-tar color other than one from a batch that had been certified in accordance with regulations.

Misbranding, Section 403 (c), it was an imitation of another food, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403 (e) (1), it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient; and, Section 403 (k); it contained artificial flavoring and artificial coloring, and failed to bear labeling stating that fact.

DISPOSITION: May 12, 1944. No claimant having appeared, judgment of condemnation was entered. A portion of the product was ordered delivered to the Food and Drug Administration, and the remainder was ordered sold for use in the manufacture of soap.

6777. Adulteration and misbranding of peanut oil. U. S. v. 289 Cases of Oil. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 12727, 12730. Sample Nos. 71271-F, 71277-F, 71306-F, 71307-F.)

LIBEL FILED: On or about July 19, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about April 15, 1944, by the Italian Cook Oil Corporation, from Brooklyn, N. Y.

PRODUCT: Oil: 77 cases, each containing 12 quart bottles, 33 cases, each containing 24 pint bottles, and 7 cases, each containing 4 gallon bottles, at Salem, Oreg.; and 83 cases, each containing 12 quart bottles, and 89 cases, each containing 24 pint bottles, at Portland, Oreg.

LABEL, IN PART: (Bottles) "Royal Cook Brand * * * Peanut Oil"; (gallon bottles also labeled) "Packed By Agash Refining Corp. Brooklyn, N. Y."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a substance, cottonseed oil, had been substituted in part for the product.

Misbranding, Section 403 (a), the statement on the label, "Peanut Oil," was false and misleading when applied to the product, which contained some cottonseed oil; Section 403 (b), the product was offered for sale under the name of another food, "Peanut Oil"; and, Section 403 (i), it was a mixture of peanut oil and cottonseed oil, and its label did not bear the common or usual name of each ingredient.

DISPOSITION: October 10, 1944. The Italian Cook Oil Corporation having appeared as claimant and consented to the entry of the decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled and brought into compliance with the law, under the supervision of the Food and Drug Administration.

6778. Adulteration and misbranding of olive oil. U. S. v. Antonio Candela. Plea of guilty. Fine, \$50. (F. D. C. No. 7196. Sample Nos. 56682-E, 56683-E.)

INFORMATION FILED: On March 30, 1944, in the Southern District of New York, against Antonio Candela, New York, N. Y.

ALLEGED SHIPMENT: On or about April 30, 1941, from the State of New York into the State of Connecticut.

PRODUCT: This product consisted chiefly of cottonseed oil, with some olive oil present.

LABEL, IN PART: (Portion) "Non Plus Ultra Olio Soprafinno Puro D'Olive * * * Extra Sublime Olive Oil Packed expressly for Luigi Perrone, Bronx, N. Y. Packed in Italy"; (remainder) "Eletta Brand * * * Imported & packed exclusively for Scelta Food Products Co. New York, N. Y." Both lots bore designs of an olive branch and olives.

VIOLATIONS CHARGED: Adulteration, Section 403 (b) (2), a substance consisting essentially of cottonseed oil, with some olive oil, had been substituted in whole or in part for olive oil, which the article purported and was represented to be.

Misbranding, Section 403 (a), the labeling bore false and misleading statements and designs, which represented and implied, with respect to a portion, that the product was an absolutely pure olive oil of the finest quality, and that it had been packed in Italy, and, with respect to the remainder, that it was a pure, imported olive oil; Section 403 (b), the product consisted of a mixture of cottonseed oil and olive oil, and was offered for sale under the name of olive oil; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

DISPOSITION: April 5, 1944. A plea of guilty having been entered, the defendant was fined \$50.

6779. Adulteration of olive oil. U. S. v. 29 Cans and 63 Cans of Olive Oil. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 12289, 12290. Sample Nos. 66572-F, 66573-F.)

LIBELS FILED: On or about May 4, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about February 24 and March 24, 1944, by the Western Food Corporation, from Chicago, Ill.

PRODUCT: 92 1-gallon cans of olive oil at Kansas City, Mo.

LABEL, IN PART: (Main panels) "W-F-C Liguria Superfine Brand * * * 80% vegetable oil and 20% of Pure Virgin Olive Oil," and a design of medals.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a substance consisting essentially of corn oil, and containing about 2 percent of olive oil, had been substituted for "80% vegetable oil and 20% of Pure Virgin Olive Oil," which the article was represented to be.

Misbranding, Section 403 (a), the statement "An Excellent Composition of 80% vegetable oil and 20% of Pure Virgin Olive Oil" was false and misleading as applied to the article, and the prominent word "Liguria," which is the name of an Italian province, and the design of medals, coupled with the prominent statement "Pure Virgin Olive Oil," were misleading since they created the impression that the article was a foreign product; and, Section 403 (i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient, since vegetable oil is not the common or usual name for corn oil.

DISPOSITION: July 17, 1944. The Western Food Corporation, claimant, having

consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the oil be removed from the cans and disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

6780. Misbranding of salad dressing. U. S. v. 4 Cases of Salad Dressing. Default decree of condemnation and destruction. (F. D. C. No. 11962. Sample No. 66057-F.)

LIBEL FILED: March 8, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about December 6, 1943, by the House of Herbs, Inc., Canaan, Conn.

PRODUCT: 4 cases, each containing 12 pints, of salad dressing at New York, N. Y. Analysis showed that the product contained about 65 percent by volume of mineral oil.

LABEL, IN PART: (Front bottle label) "Sylph Low Calorie Salad Dressing Calories Per Fluid Ounce Only 0.9 Contains 68% non-nutritive mineral oil by weight, herb-flavored wine vinegar, fresh herbs, salt, pepper, sugar, shallots, garlic, mustard Benzoate of soda. House of Herbs, Inc. Canaan, Conn. One Pint"; (back bottle label) "Sylph French Dressing."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the designation "French Dressing" was misleading since French dressing is a definite type of salad dressing containing a vegetable oil as an ingredient, and not mineral oil, which has no food value; and the following statements which appeared on the labeling of the article, "Shake very vigorously and frequently while pouring over salad. Sylph has side tricks too. Excellent sprinkled over roasts before putting in oven. Try a few drops in hamburger, and on fish before broiling. Also use as a base for Barbecue Sauce," were misleading since such statements created the impression that the article consisted of food ingredients and was suitable for use on foods, whereas the article contained mineral oil, a non-nutritive substance not suitable for use on foods; Section 403 (b), the product was offered for sale under the name of another article, "French Dressing"; and, Section 403 (f), the statements of ingredients and of the quantity of the contents, required to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: April 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6781. Misbranding of salad dressing. U. S. v. 115 Cases of Salad Dressing. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11571. Sample No. 55263-F.)

LIBEL FILED: On or about January 10, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about September 28, 1943, by the Barra Co., from Beverly Hills, Calif.

PRODUCT: 115 cases, each containing 24 bottles, of salad dressing at Portland, Oreg.

LABEL IN PART: (Bottles) "Barra's Figurene Salad Dressing."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the name "Salad Dressing" was misleading since it represented and suggested that the product consisted of food ingredients, whereas the article contained mineral oil, a non-nutritive substance which was not an expected constituent of the product; and, Section 403 (b), it was offered for sale under the name of another food.

DISPOSITION: July 12, 1944. The Barra Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

MISCELLANEOUS FOODS

6782. Misbranding of Bing's Compound. U. S. v. 52 Cartons of Bing's Compound (and 1 other seizure action against Bing's Compound and 263 circulars). Default decrees of condemnation and destruction. (F. D. C. Nos. 11202, 12152. Sample Nos. 38481-F, 55066-F, 55067-F.)

LIBELS FILED: December 10, 1943, and May 5, 1944, Northern District of Indiana and Northern District of Illinois.

ALLEGED SHIPMENT: From on or about August 4 to September 28, 1943, by the Bing Co., from Minneapolis, Minn.

PRODUCT: 52 cartons at Chicago, Ill., and 21½ dozen packages of Bing's Compound and 263 circulars at Fort Wayne, Ind.

Analysis showed that the product consisted essentially of boric acid and less than 5 percent of salt. Sodium benzoate was absent.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Benzoate Soda .001," on the label of the retail package, was false and misleading since a portion of the product contained no benzoate of soda and the labeled amount of benzoate of soda would have no preservative effect; in addition, certain statements on the label of the retail package and in an accompanying circular entitled, "Bing's Compound Important Canning Instructions," created the misleading impression that the use of the article in the process of canning fruits and vegetables would be completely safe and would insure the prevention of souring and spoilage; that the articles would be safe for use in the home canning of vegetables, fruits, and juices, pieplant, pickles, and meats, and would prevent spoilage in the process of canning such foods; that the inflow of the air into a covered can filled with fruit or vegetables during the process of home canning was not irreparable and could be corrected by further securing the cover of the can by the application of melted wax; that a period of 20 minutes would be sufficient for the cooking of peas, string beans, shelled beans, corn, and tomatoes even though the cans were filled "very full"; and that the use of 12 level teaspoonfuls of Bing's Compound for 12 quarts in canning meats, mincemeat, chicken, or beef, would insure safe canning and the prevention of spoilage of the food so canned. The article, when used as suggested, would not be completely safe; it would not accomplish the purposes implied in the labeling; securing of the cover by the use of melted wax or any other device would not prevent spoilage by air which had already entered the cans; the period of 20 minutes is insufficient for the cooking of food in which the cans are filled "very full," because heat penetration would be rendered very slow by the fullness of the cans; and home canning of foods requires more than the carrying out of the directions contained in the labeling in order to prevent spoilage.

Further misbranding of the lot at Chicago, Section 403 (a), the statement "Bing's Compound * * * Used with Fruits, Pickles, Meats and Vegetables," borne on the display cartons, was misleading since it failed to reveal the consequences which might result from the use of the article in pursuance of the directions contained in the circular, i. e., that the process of home canning directed by the circular would not insure the elimination of the causes of spoilage in home canning; and it failed to reveal that the quantities of boric acid, the principal ingredient of the article, which might be consumed when it was used as directed in the circular were such as may have rendered the article dangerous to health.

DISPOSITION: On February 7 and June 12, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6783. Misbranding of dried chicken soup mix with egg noodles. U. S. v. 71 Cases of Dried Chicken Soup Mix. Default decree of condemnation and destruction. (F. D. C. No. 11710. Sample No. 30308-F.)

LIBEL FILED: January 25, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about February 16, 1943, by the Merchants Shippers Association, from Chicago, Ill.

PRODUCT: 71 cases, each containing 12 9-ounce jars, of dried chicken soup mix at San Francisco, Calif.

LABEL, IN PART: (Jars) "West's Chicken Soup Mix with Egg Noodles * * * Manufactured By Williams, West & Witt's * * * Chicago, Ill."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statement on the label, "Chicken Soup Mix," was misleading as applied to the product, which contained no chicken meat and little, if any, chicken extractives, and which owed its flavor, at least in part, to artificial flavoring.

DISPOSITION: May 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6784. Misbranding of Wip. U. S. v. 30 Cases of Wip. Consent decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 11062. Sample No. 56832-F.)

LIBEL FILED: On or about November 8, 1943, District of Connecticut.

ALLEGED SHIPMENT: On or about September 11, 1943, by the Home Products Sales Corporation (Taylor-Reed Corporation subsidiary), Mamaroneck, N. Y.

PRODUCT: 30 cases, each containing 16 dozen 1-ounce cartons, of Wip at East Hartford, Conn.

Examination showed that each carton contained a white, powdery substance in a paper bag; that the powder occupied on an average 37.3% of the carton; and that the bag and powder occupied only about half the volume of the carton.

LABEL, IN PART: (Carton) "Wip for whipping Light Cream Made of Vegetable Gum, Processed Cereal and Vegetable Products."

VIOLATIONS CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading since the article occupied only about 37.3% of the capacity of the carton; and, Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since "Processed Cereal" and "Vegetable Products" were not the common names of the ingredients of the article.

DISPOSITION: May 24, 1944. The owner of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

6785. Misbranding of Ademo Tablets. U. S. v. 70 Dozen Bottles of Ademo Tablets (and 1 other seizure action against the same product). Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond for relabeling. (F. D. C. Nos. 10221, 11785. Sample Nos. 31063-F, 76304-F.)

LIBELS FILED: July 14, 1943, Western District of Washington; February 15, 1944, Southern District of New York.

ALLEGED SHIPMENT: From on or about March 2 to June 8, 1943, by the Ademo Corporation of America, Los Angeles, Calif.

PRODUCT: Ademo Tablets: 70 dozen bottles of various sizes at Seattle, Wash., and 361½ dozen bottles of various sizes at New York, N. Y.

Examination and assays disclosed that the product was essentially of the composition stated on its label.

LABEL, IN PART: "Formulated from the Active Principle of Violet Ray Treated (Red Blood Cell Building) fraction of Desiccated, Raw Liver Extractive, Iron, Special Type Yeast, Concentrated Hemoglobin (Blood Powder), Milk Whey, Chlorophyll, Plus the following for each 6 tablets: H. P. Thiamin (B-1) * * * 1200 I. U. H. P. Riboflavin (B-2) * * * 3000 Micrograms Niacin * * * 10,000 Micrograms Iron * * * 20.24 Milligrams. Also minerals containing trace elements of Calcium, Chlorine, Magnesium, Sulphur, Potassium, Phosphorus and Pantothenic Acid as Naturally found in Yeast and Liver."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements in the labeling of the article which represented and suggested that it would build rugged red blood and insure strength, energy, and vibrant health were false and misleading since the article would not accomplish those results; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its calcium, chlorine, magnesium, sulfur, potassium, and phosphorus content, and its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirement of calcium and phosphorus, and the quantity of chlorine, magnesium, potassium, and sulfur, furnished by a specified quantity of the article when consumed as directed during a period of 1 day.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in the notices of judgment on drugs and devices, No. 1122.

DISPOSITION: On November 8, 1943, no claimant having appeared for the product in the Washington lot, judgment of condemnation was entered and the product, including its labeling, was ordered destroyed. On May 22, 1944, Balanced Foods, Inc., New York, N. Y., claimant, having admitted the allegations of the libel against the New York lot, judgment of condemnation was entered and that lot was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

6786. Adulteration and misbranding of Be Bex. U. S. v. Oxford Products, Inc., and Jerome H. Rose. Pleas of guilty. Fines of \$300 and costs against each defendant. Sentence against corporate defendant suspended. (F. D. C. No. 9673. Sample No. 8706-F.)

INFORMATION FILED: On September 16, 1943, in the Northern District of Ohio, against Oxford Products, Inc., Cleveland, Ohio, and Jerome H. Rose, president of the corporation.

ALLEGED SHIPMENT: On or about December 23, 1942, from the State of Ohio into the State of Iowa.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in whole or in part omitted from the article, since the article was represented to contain 660 International Units of vitamin B₁ per fluid ounce, whereas it contained approximately 330 International Units of vitamin B₁ per fluid ounce.

Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary use by man by reason of its vitamin properties and by reason of its mineral properties, which use included treating disease resulting from a dietary deficiency of iron, and its label did not bear, as required by the regulations, a statement of the proportion of the minimum daily requirements for vitamin B₁ and B₂ (vitamin G) which would be supplied by the article when consumed as directed during a period of 1 day; it did not bear a statement that the need in human nutrition has not been established for vitamin B₆ (pyridoxine) and pantothenic acid; and it did not bear a statement of the quantity of iron contained in a specified quantity of the article.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1106.

DISPOSITION: On October 25, 1943, the defendants entered pleas of guilty and the court sentenced the individual defendant to pay a fine of \$50 on each of the first 4 counts, relating to the Be Bex. The court also imposed a fine of \$100 on the fifth count, which related to a different article, a drug, making a total fine of \$300 and costs. The same sentence was imposed against the corporate defendant, but was suspended.

6787. Misbranding of Bates vitamin preparations. U. S. v. 320 Bottles of Vitamin Preparations. Decree of condemnation. Products ordered released under bond for relabeling. (F. D. C. No. 9897. Sample Nos. 3056-F to 3063-F, incl.)

LIBEL FILED: On or about May 13, 1943, Western District of Missouri.

ALLEGED SHIPMENT: From Chicago, Ill., by the Bates Laboratories, Inc.

PRODUCT: 24 bottles, each containing 120 tablets, of Bates Natural B Complex, and 16 bottles of Bates Riboflavin Vitamin B₂ (G), 16 bottles of Bates (Thiamin) Vitamin B₁, 16 bottles of Bates (Nicotinic Acid) Niacin, 16 bottles of Bates (Ascorbic Acid) Vitamin C, 24 bottles of Bates Vitamin A and D, and 208 bottles of Bates Calcium Pantothenate, each of which contained 30 tablets, at Kansas City, Mo. The articles were received by the consignee between February 2 and March 20, 1943.

Examination disclosed that the natural B complex tablets contained riboflavin, thiamine, and yeast; that the riboflavin tablets and the thiamine tablets contained riboflavin and thiamine, respectively; that the niacin tablets contained 10.7 milligrams of niacin each; that the vitamin C tablets contained 30.4 milligrams of ascorbic acid each; that the vitamin A and D tablets contained vitamins A and D; and that the calcium pantothenate tablets contained approximately 10 milligrams of calcium pantothenate each.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements appearing on the display cards headed "Vibrant Health and Beauty," on the circulars headed "We Feature the Complete Line of Bates Vitamin Products," on the placards headed "Bates Anti-Grey Hair Vitamins," and on the leaflets entitled "Bates Line of Vitamins," were false and misleading since they represented and suggested that the articles, singly or in combination, were effective treatments for loss of weight, loss of appetite, nervous disorders, skin troubles, nutritional disorders, bleeding gums, anemia, indigestion, gray hair, general body weakness, night blindness, impaired reproduction and lactation, atrophy of glands, teeth decay, nail brittleness, constipation, abdominal distress, gas, nausea, headaches, asthenia, damage to heart muscles, and retarded growth, whereas the articles, singly or in combination, were not effective treatments for the conditions mentioned; and, Section 403 (j), the natural B complex tablets and the calcium pantothenate tablets purported to be and were represented as foods for special dietary uses by reason of their vitamin content and calcium pantothenate content, respectively, and their labels failed to state, as required by the regulations, in the case of the B Complex Tablets, that the need in human nutrition for vitamin B₆, pantothenic acid, and all other factors of the B complex as found in dried brewers' yeast (except thiamine, riboflavin, and niacin), has not been established, and, in the case of the calcium pantothenate tablets, that the need for calcium pantothenate in human nutrition has not been established.

The articles were also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1128.

DISPOSITION: June 26, 1943. The Bates Laboratories, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be relabeled in compliance with the law, under the supervision of an employee designated by the Federal Security Administrator.

6788. Adulteration and misbranding of C₂ Minnrell. U. S. v. 12 Jars of C₂ Minnrell. Default decree of condemnation and destruction. (F. D. C. No. 9501. Sample No. 37909-F.)

LIBEL FILED: March 25, 1943, Northern District of Indiana.

ALLEGED SHIPMENT: On or about October 13, 1942, from Minnrell, Inc., Des Moines, Iowa.

PRODUCT: C₂ Minnrell: 12 jars, each containing 1 pound, at Fort Wayne, Ind.

Examination disclosed that the product consisted essentially of lactose, dried whey powder, and mineral salts, and that it contained 12.7 percent of calcium as calcium oxide, 17.0 percent of phosphorus as phosphorus pentoxide, and small quantities of salts of iron, aluminum, manganese, magnesium, sodium, and potassium. The product was represented on its label to possess, in each teaspoonful, approximately 1 gram of calcium, 1 gram of phosphorus, and 10 milligrams of iron, in addition to other mineral elements, whereas it was more than 50 percent deficient in the represented amounts of calcium, phosphorus, and iron.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, calcium, phosphorus, and iron, had been in whole or in part omitted, since the article did not contain the represented amounts of calcium, phosphorus, and iron.

Misbranding, Section 403 (a), because of false and misleading statements on the label of the article and in the circulars entitled "Why C₂ Minnrell?", "Drink a C₂ Minnrell Cocktail," and "Starvation No Matter How Much You Eat," which accompanied the article while it was in interstate commerce in the possession of the consignee and thereafter, and which represented and suggested that use of the article would be effective in preventing colds, excessive nervousness and fatigue, sleeplessness, loss of appetite, common disorders resulting from mineral deficiency, retarded growth, poor development of hair, nails, bones, and teeth, dental caries, poor utilization of iron, decreased hemoglobin and red blood cells, lack of vitality, rickets, excessive bleeding, heart atony, tetany (convulsions), hyperirritability, loss of body weight, digestive disturbances, poor water retention, salt hunger, miners' cramps, achlorhydria, anemia, muscular atrophy, scaly skin, bush sickness, weakness, impaired respiration, perverted appetite, irregular heart action, subnormal basal metabolism, enlarged thyroid gland (goiter), lowered mental activity, overweight, pallid complexion, vasodilatation, spasticity, rapid heart beat, arrhythmia, perosis, dermatitis, deficiencies related to insulin, inflammation of the skin, and abnormal suppuration; that such symptoms, diseases, and conditions were the result of consumption of ordinary foods lacking in minerals; that the product was of nutritional significance because of the presence of manganese, cobalt, copper, zinc, magnesium, chlorine, sulfur, potassium, sodium, and silicon; and that the article was a balanced mineral supplement, the use of which would insure proper mineral balance in the body and thereby result in vigorous health. The article would not be effective in preventing the symptoms, diseases, and conditions mentioned; such symptoms, diseases, and conditions were not the result of the consumption of ordinary foods; the article was not of nutritional significance because of the presence of the above-mentioned minerals; and use of the article would not insure proper mineral balance and vigorous health.

Further misbranding, Section 403 (j), the article purported to be and was represented in the circular entitled "Why C₂ Minnrell?" as a product for special dietary uses by reason of its mineral and riboflavin content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of iron, iodine, calcium, phosphorus, and riboflavin, and the quantity of magnesium, chlorine, sulfur, potassium, sodium, and silicon furnished by a specified quantity of the article when consumed as directed during a period of 1 day.

DISPOSITION: April 28, 1943. No claimant having appeared, judgment of condemnation was entered and it was ordered that the product and the circulars be destroyed.

6789. Misbranding of candy. U. S. v. 7 $\frac{1}{2}$ % Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 11910. Sample No. 65559-F.)

LIBEL FILED: On or about March 8, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about January 29, 1944, by the Evans Novelty Co., from Chicago, Ill.

PRODUCT: Candy: 7 $\frac{1}{2}$ % cases, each containing 48 1-pound packages, at The Dalles, Oreg.

This product was short weight.

LABEL, IN PART: "Caramels 'Plus'."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement which appeared on the label, "Net Weight One Pound," was false since it was incorrect; and the statement in the leaflet enclosed within the retail package, "the addition of various Vitamins and Minerals to protect your health by increasing your resistance to illness" was false and misleading in that it represented and suggested that use of the product would increase resistance to disease, whereas it would not; Section 403 (e) (2), the product was food in package form and its label failed to bear an accurate statement of the quantity of contents; Section 403 (j), the product was represented as a food for special dietary uses by man by reason of its vitamin A, vitamin B₁, vitamin B₂, vitamin D, calcium, magnesium, potassium, iron, and phosphorus content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins A, B₁, B₂, and D, the minerals, calcium, iron, and phosphorus, and the quantity of magnesium and potassium supplied by a specified quantity of the product customarily or usually consumed during a period of 1 day; and it failed to bear a statement that the need for magnesium in human nutrition has not been established.

DISPOSITION: September 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6790. Misbranding of Curley vitamin tablets. U. S. v. 102 Bottles of Curley Cal-Pans Vitamins and 102 Bottles of Curley Bu-T-Caps Vitamins. Default decree of condemnation and destruction. (F. D. C. No. 10013. Sample Nos. 20488-F, 20489-F.)

LIBEL FILED: May 27, 1943, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 21, 1943, from Philadelphia, Pa., by the Curley Distributing Co.

PRODUCT: 102 bottles of Curley Cal-Pans Vitamins and 102 bottles of Curley Bu-T-Caps Vitamins, each bottle containing 30 tablets, at Boston, Mass.

LABEL, IN PART: (Cal-Pans) "Calcium Pantothenate 10 Mgm. each"; (Bu-T-Caps) "Vitamin A * * * 5,000 USP Units Vitamin D (Viosterol) * * * 1,000 USP Units Vitamin C (Ascorbic Acid) * * * 500 USP Units Vitamin B₁ (Thiamin Chloride) * * * 500 USP Units Vitamin B₂ (Riboflavin) * * * 1,000 Gamma Vitamin B₆ (Pyridoxine) * * * 200 Gamma Calcium Pantothenate * * * 1,000 Gamma Nicotinic Acid * * * 20 Mgm."

VIOLATIONS CHARGED: Cal-Pans Vitamins, misbranding, Section 403 (a), certain statements appearing on a display card entitled "Does Gray Hair Worry You?," and in circulars entitled "Vitamins The Way to Health and Beauty," and "Big Profits for Beauty Shops," were false and misleading since they represented and suggested that the article was effective in preventing the graying of hair or in restoring natural color to gray hair, whereas it was not so effective.

Bu-T-Caps Vitamins, misbranding, Section 403 (a), certain statements appearing in the aforesaid display card and in the aforesaid circulars were false and misleading since they represented and suggested that the article was effective in insuring good health, beauty, and good complexion, or in preventing and correcting such disease conditions or abnormalities as poor teeth, retardation of growth, skin lesions, dry and wrinkled skin, brittle nails, lifeless hair, loss of appetite, liver and kidney ailments, susceptibility to infections, boils, abscesses, night blindness, body malformation, fatigue, loss of appetite, alimentary tract dysfunctions and resultant anemia, neuritis, alcoholic neuritis, beriberi and pellagra, irritability and nervousness, palpitation and enlarged heart, murmurs, difficult breathing, malnutrition, retarded convalescence,

fragile bones, anemia, scurvy, and rickets; Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin A, D, C, B₁, B₂, B₆, calcium pantothenate, and nicotinic acid content, and its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirements for vitamins A, D, C, and B₂ supplied by the article when consumed in a specified quantity during the period of 1 day; it failed to bear a statement of the quantity of vitamin B₆, calcium pantothenate, and nicotinic acid supplied by a specified quantity of the article which would customarily or usually be consumed during a period of 1 day; and it failed to bear a statement that the need for calcium pantothenate and vitamin B₆ in human nutrition has not been established.

The articles were also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1123.

DISPOSITION: On July 26, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

6791. Adulteration and misbranding of Derbetain Number 3 Tablets. U. S. v. 8 Cases of Derbetain Number 3 Tablets. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11080. Sample No. 57104-F.)

LIBEL FILED: November 10, 1943, Southern District of New York; amended libel on January 28, 1944.

ALLEGED SHIPMENT: On or about September 6, 1943, by Dermetics, Inc., Seattle, Wash.

PRODUCT: 8 cases, each containing 24 cans, of Derbetain Number 3 Tablets.

The article was approximately 50 percent deficient in vitamin D and 35 percent deficient in vitamin A.

LABEL, IN PART: "Each tablet contains 200 vitamin A units U. S. P., 15 vitamin B₁ units U. S. P., 35 vitamin D units U. S. P., 5 vitamin G units Sherman-Bourquin."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), valuable constituents, vitamins A and D, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the statements "Each tablet contains 200 vitamin A Units U. S. P., * * * 35 vitamin D units U. S. P." were false and misleading; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its vitamins A, B₁, D, and G content, and by reason of its use as a means of regulating the intake of protein, fat, carbohydrate, and calories for the purpose of controlling body weight, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements for the vitamins supplied by the article when consumed in a specified quantity during the period of 1 day; and it failed to bear a statement of the percent by weight of protein, fat, and carbohydrates it contained, and the number of available calories supplied by a specified quantity.

DISPOSITION: May 8, 1944. The Heller-Runnels Laboratories, Inc., claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

6792. Misbranding of DPS Formulae. U. S. v. 11 Bottles of DPS Formula 52, 16 Bottles of DPS Formula 57, 12 Bottles of DPS Formula 58, 11 Bottles of DPS Formula 61, and 25 Bottles of DPS Formula 100. Default decree of condemnation and destruction. (F. D. C. No. 10098. Sample Nos. 15357-F to 15360-F, incl., 36124-F.)

LIBEL FILED: June 25, 1943, District of Colorado.

ALLEGED SHIPMENT: From on or about March 23 to May 8, 1943, from the Dartell Laboratories, Los Angeles, Calif.

PRODUCT: The above-mentioned quantities of DPS Formulae at Denver, Colo.

LABEL, IN PART: (Formula 52) "Ingredients: Fish Liver Oil concentrate, Soya Oil containing lecithin, Wheat germ oil, mixed natural tocopherols, treated linseed oil containing the fatty unsaturates, principally linoleic and linolenic acids * * * Each perle contains not less than Vitamin A * * * 5000 U. S. P. Units Vitamin E (a-tocophroerol activity) 5000 Gammas with 200 Mg. free fatty acids of linseed oil (flaxseed oil) principally linoleic and linolenic acids"; (For-

mula 57) "Ingredients: Fishliver oil concentrate, dehydrated garlic and alfalfa, lac-sulphur, and chlorophyll * * * Four tablets provide 2000 I. U. of Vitamin A, * * * 14 grains of dehydrated Garlic, 4 grains of Sulphur; and 2000 gammas of Chlorophyll"; (Formula 58) "Ingredients: Powdered kelp, dicalcium phosphate, fishliver oil concentrate, yeast, rice polishings, wheat germ * * * One tablet before each meal and upon retiring provides: Iodine * * * 0.7 Mg. Phosphorus * * * 144 Mg. Calcium * * * 176 Mg. Vitamin A * * * 1000 U. S. P. Units"; (Formula 61) "Ingredients: Mixed natural tocopherols and wheat germ oil * * * Each perle contains not less than 5000 Gamma Vitamin E (a-tocopherol activity)"; and (Formula 100) "Each Containing: Iron (Ferrous) Sulphate (Dried), 2½ grs; Liver (Desiccated 1-5), 2 grs.; Stomach Substance (Hog), ½ gr.; Pepsin (1-3000), 0.25 grs.; Spleen Subst., ⅓ gr.; Red Bone Marrow, ⅓ gr.; Kelp (Laminaria Bulbosa), ⅓ gr.; Hemoglobin, ¼ gr.; Vitamin C, 1000 gammas; Vitamin B₁, 83 gammas; Vitamin B₂, 24 gammas."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the names "DPS Formula 52," "DPS Formula 57," "DPS Formula 58," "DPS Formula 61," and "DPS Formula 100," appearing on the labels of the respective articles, were false and misleading as applied to articles of the compositions stated, since such names were devices which represented and suggested to the purchaser thereof that the articles were efficacious for the conditions set forth in the booklet entitled "DPS Dartell Formulae," that is: (Formula 52) impotency, sexual apathy, and menopause, loss of muscular tone, anterior pituitary deficiency, and tendency to abort; (Formula 57) hypertension, toxic conditions, and bowel putrefaction; (Formula 58) lowered fat and protein metabolism, low B. M. R., thyroid deficiency, low calcium metabolism, pregnancy and lactation, nervous disorders, obesity, and skin conditions; (Formula 61) sterility, tendency to miscarriage, mental dullness, muscular weakness, skin lassitude, weakness of female organs, lack of motility of eye lens, paralysis, and anterior pituitary deficiency; and (Formula 100) anemias, toxic changes in blood, fatigue, low blood pressure, underweight, hypofunctions of adrenals, pregnancy, and preoperative and postoperative conditions. The articles were not efficacious for those purposes. The said devices (names) acquired those meanings by reason of the fact that the manufacturer of the articles had supplied and, together with his agents and employees and distributors, had disseminated to prospective purchasers of the articles the aforesaid booklet, and such printed matter disclosed the uses for which the articles were designed and intended.

Further misbranding, Section 403 (a), the statement appearing on the label of the Formula 52, "Each perle contains not less than * * * With 200 Mg. free fatty acids of linseed oil (flaxseed oil) principally linoleic and linolenic acids," was misleading since it represented and suggested that the free fatty acids of linseed oil, consisting principally of linoleic and linolenic acids in the amount of 200 milligrams, were of appreciable nutritional and therapeutic significance when the article was consumed in accordance with the directions on the label, whereas those acids, when so consumed, had no appreciable nutritional or therapeutic significance.

The articles were also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1124.

DISPOSITION: On October 16, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

6793. Misbranding of Dwarfies Wheatmix and Dwarfies Wheat Germ. U. S. v. Dwarfies Corporation. Plea of guilty. Fine, \$150 and costs. (F. D. C. No. 10553. Sample Nos. 3130-F, 3226-F, 3227-F.)

INFORMATION FILED: On December 30, 1943, in the Southern District of Iowa, against the Dwarfies Corporation, Council Bluffs, Iowa.

ALLEGED SHIPMENT: On or about September 30, 1942, and January 29, 1943, from the State of Iowa into the State of Nebraska.

LABEL, IN PART: "Dwarfies Wheatmix," or "Dwarfies Toasted Wheat Germ."

VIOLATIONS CHARGED: Misbranding of Wheatmix, Section 403 (a), the statements in the labeling which represented and suggested that the article contained 25 times more wheat germ than whole wheat contains were false and misleading since it contained not more than from 5 to 7 times more wheat germ than whole wheat contains.

Misbranding of wheat germ, Section 403 (a), because of false and misleading statements appearing in its labeling which represented and suggested that con-

sumption of the article would insure a diet high in vital food elements; that it was a magic food which would balance the family diet and provide a completely healthful diet; that it was a splendid source of the vitamin B complex; that consumption of the article as directed would insure an abundance of the B-group vitamins; that, when used as directed, it would contribute in an important respect to the requirements of the body for vitamin A and calcium; that the contents of one of the jars, 11 ounces of the article, was equivalent to 3 pounds of wheat germ; that each ounce of the article contained 2.02 milligrams of copper; that the minimum daily requirement for riboflavin for adults was 1.8 milligrams; and that the minimum daily requirements for niacin and copper have been established. The article was not a splendid source of the vitamin B complex and would not accomplish the results claimed; the contents of one of the jars, 11 ounces of the article, was not equivalent to 3 pounds of wheat germ, inasmuch as two of the vitamin constituents of wheat germ, Vitamin D and riboflavin, were present in the article in essentially the same amount as are present in wheat germ; each ounce of the article contained a smaller amount of copper than was represented; the minimum daily requirement for riboflavin for adults is not 1.8 milligrams but is 2 milligrams; and the minimum daily requirements for niacin and copper have not been established.

Both products: Misbranding, Section 403 (j), the articles purported to be and were represented as foods for special dietary uses by man by reason of their content of vitamin B₁, vitamin E, vitamin A, and vitamin B₂, and their mineral content of iron, copper, calcium, phosphorus, and (Wheatmix only) iodine, but their labels failed to bear, as the regulations require, statements of the proportion of the minimum daily requirements for vitamin B₁, vitamin A, and vitamin B₂, iron, calcium, phosphorus, and (in the case of the Wheatmix) iodine which would be supplied by the articles when consumed in a specified quantity during a period of 1 day; and they failed to bear a statement that the need for vitamin E in human nutrition has not been established, or a statement of the quantity of copper which was contained in a specified quantity of the articles.

The articles were also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1119.

DISPOSITION: On January 25, 1944, the defendant having entered a plea of guilty, the court imposed a total fine of \$225 and costs, the fine on the counts charging violation of the food sections of the Act amounting to \$150.

6794. Misbranding of Helio Minerals. U. S. v. 3 Dozen Bottles and 3 Dozen Bottles of Helio Minerals. Default decree of condemnation and destruction. (F. D. C. No. 10360. Sample No. 33849-F.)

LIBEL FILED: August 6, 1943, Western District of New York.

ALLEGED SHIPMENT: On or about June 7 and July 30, 1943, from Detroit, Mich., by the Gordon Service, Inc.

PRODUCT: Helio Minerals: 3 dozen 500-tablet bottles and 3 dozen 160-tablet bottles at Buffalo, N. Y.

Examination disclosed that the article consisted essentially of seaweed, alfalfa, and parsley leaves; and that 6 tablets, the number directed to be taken in 1 day, would provide only about $\frac{1}{15}$ of the minimum daily adult requirement for calcium, $\frac{1}{60}$ of the minimum daily adult requirement for phosphorus, and $\frac{1}{6}$ of the minimum daily adult requirement of iron for adults and children over 6 years of age, and $\frac{1}{4}$ of the minimum daily requirement of iron for children under 6 years of age. The amount of copper provided was essentially inconsequential.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the designation "Helio Minerals," in the labeling of the article, was false and misleading as applied to a product which consisted essentially of seaweed, alfalfa, and parsley leaves; the statements on its label, "(Dietary Supplement) Contain in Organic (natural) form all of the minerals now known to be essential to nutrition, especially rich in iron, copper," were false and misleading since the article, when taken in accordance with the directions on the label, "3 tablets after breakfast and 3 tablets after evening meal * * * Children over three can be given same amount," would provide but a small fraction of the requirements of adults or children for calcium, phosphorus, and iron, minerals which are known to be essential to nutrition, and but an inconsequential trace of copper; and the following statements on its label, "Helio Minerals are prepared in the laboratories of an internationally recognized scientist from his own selection of *Macrosystis Pyrifera* (Giant Kelp) so as to retain their amazing content of minerals," and

"Helio Minerals were prepared to supply minerals in large enough amounts to be of real value," were false and misleading since the article was prepared from seaweed (kelp), alfalfa, and parsley leaves, products which do not contain an unusual proportion of mineral constituents, and, when taken as directed, it would supply but a small fraction of the minerals now known to be essential to nutrition.

Further misbranding, Section 403 (a), the statements in an accompanying circular entitled "Feel Better Look Better Helio Minerals and Helio Natural B-Complex" were false and misleading since they represented and suggested that the article was effective, either alone or in combination with vitamin B-complex, to fulfill the promises of benefits stated and implied therein, that is, that the article would enrich the blood, soothe the nerves, add energy, and repair the body; that it would make the user feel better and look better; and that it would increase resistance to disease, protect the bones and teeth, strengthen the heart and nerves, insure good digestion, keep tissues flexible and active, prevent poor muscular control, neutralize excess acids, produce internal cleanliness, aid in the treatment of rheumatism, skin, and other diseases, help one to sleep better, stimulate the appetite, regulate constipation, prevent neuritis, premature aging, cracking of lips, loss of hair, atrophy of oil glands, and loss of weight, promote growth, strengthen vision, courage, and morale, restore color to graying hair, and reduce dark coloring in birthmarks and freckles, whereas, the article was not so effective; and, Section 403 (i), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1131.

DISPOSITION: September 20, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6795. Adulteration and misbranding of Minavit No. 1. U. S. v. 65 Bottles of Minavit No. 1. Default decree of condemnation and destruction. (F. D. C. No. 11582. Sample No. 39764-F.)

LIBEL FILED: January 14, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about August 2, 1943, by the Soltan Corporation, Los Angeles, Calif.

PRODUCT: 65 bottles of Minavit No. 1 at Tucson, Ariz.

Examination of a sample showed that the article contained not more than 750 units of vitamin A, not more than 600 units of vitamin D, and not more than 52 gamma of iodine per tablet.

LABEL, IN PART: "Minavit No. 1 Each tablet contains approximately: Vitamin A "1500 U. S. P. Units * * * Vitamin D 1000 U. S. P. Units * * * Iodine 365 gamma."

VIOLATIONS CHARGED: Adulteration, Section 402(b)(1), valuable constituents, vitamin A, vitamin D, and iodine, had been in part omitted from the article.

Misbranding, Section 403(a), the label statements, "Each tablet contains approximately: Vitamin A 1500 U. S. P. Units * * * Vitamin D 1000 U. S. P. Units * * * Iodine 365 gamma," were false and misleading since the article did not contain the declared amounts of vitamins and iodine; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its vitamin and mineral content, and its label did not bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamin A, vitamin C, vitamin D, thiamine hydrochloride, riboflavin, calcium, iron, and iodine, supplied by the article when consumed in a specified quantity during the period of 1 day; and the statement that the need for vitamin B₆ and vitamin E in human nutrition has not been established.

DISPOSITION: February 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6796. Misbranding of Macu Brand Papaya Concentrate. U. S. v. 12 Bottles and 4 Bottles of Papaya Concentrate. Default decree of destruction. (F. D. C. No. 10142. Sample No. 43991-F.)

LIBEL FILED: On or about June 28, 1943, Western District of Missouri.

ALLEGED SHIPMENT: On or about April 19, 1943, by Macu Fruit Products, from Chicago, Ill.

PRODUCT: Papaya Concentrate: 12 1-quart bottles and 4 1-gallon bottles at Kansas City, Mo.

LABEL, IN PART: "Macu Brand Papaya Concentrate."

VIOLATION CHARGED: Misbranding, Section 403(a), the name "Papaya Concentrate" was false as applied to the article, which consisted of a mixture of papaya pulp, crushed seeds, fruit acids, flavoring, and sugar; and certain statements appearing on its label and in the circular entitled "Drink Papaya (Fruta Bomba)" were false and misleading since they represented and suggested that the article, when used as directed, was a rich source of vitamins; that it was a valuable aid to digestion; and that it would be of value in such conditions as gastritis, diphtheria, ulcers, bowel disorders, dyspepsia, croup, cancer, and gastric fermentation, whereas the article, when used as directed, was not a rich source of vitamins, a valuable aid to digestion, or of value in the conditions mentioned.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in the notices of judgment on drugs and devices, No. 1126.

DISPOSITION: July 30, 1943. No claimant having appeared, judgment was entered ordering that the product be destroyed.

6797. Misbranding of Pretorius Nezets and Pretorius Virvets. U. S. v. 36 Bottles of Pretorius Nezets, 18 Bottles of Pretorius Virvets, and 6 Display Charts. Default decree of condemnation and destruction. (F. D. C. No. 12138. Sample Nos. 57838-F, 57839-F.)

LIBEL FILED: April 4, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about January 26 and February 22, 1944, by Pretorius Approved Products, from Los Angeles, Calif.

PRODUCT: 36 bottles, each containing 180 tablets, of Pretorius Nezets, 18 bottles, each containing 250 tablets, of Pretorius Virvets, and 6 display charts entitled "The Pretorius 'Improve Your Health System' Food Chart for Balancing Meals," at Denver, Colo.

LABEL, IN PART: "Pretorius Nezets A Natural Source of Food Minerals," or "Pretorius Virvets A Natural Source of Food Vitamins."

VIOLATION CHARGED: Misbranding, Section 403 (a), because of false and misleading statements on the charts, which represented and suggested that it was necessary to supplement the ordinary food intake with Nezets and Virvets in order to insure adequate vitamin and mineral intake, and that if this was done improved health would follow.

DISPOSITION: May 26, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

6798. Misbranding of Vitalert. U. S. v. 334 Boxes of Vitalert. Default decree of condemnation. Product ordered delivered to a government hospital. (F. D. C. No. 11194. Sample No. 57114-F.)

LIBEL FILED: November 30, 1943, Eastern District of New York.

ALLEGED SHIPMENT: On or about August 31, 1943, by J. E. Trautman & Associates, Inc., Columbus, Ohio.

PRODUCT: 334 boxes of Vitalert at Brooklyn, N. Y.

Each box contained 6 small, round pills, fixed in place between 2 strips of cellophane. The box could have held approximately 50 unwrapped pills, and could easily have held at least 18 pills in folded cellophane strips. The statement "6 Vitalerts" was inconspicuously placed on the ends of the box.

LABEL, IN PART: "Super Seal Vitamins High Potency Brand Vitalert * * * Vitamin A 5000 U. S. P. Units Vitamin B₁ (Thiamin HCL) 3 Mgm. Vitamin B₂ (Riboflavin) 2 Mgm. Vitamin B₆ (Pyridoxine) .25 Mgm. Vitamin C (Ascorbic Acid) 30 Mgm. Vitamin D (Viosterol) 500 U. S. P. Units Calcium Pantothenate 1 Mgm. Niacin Amide 20 Mgm."

VIOLATIONS CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading since its size would indicate that many more pills were contained therein than there actually were; Section 403 (a) because of false and misleading statements on the label, which represented and suggested that use of the article would insure vim, vigor, vital alertness, and health; and that it would balance the dietary intake of the individual when used as a supplement; Section 403 (f), the statement of the quantity of the contents of

the article and the statement of the proportion of the minimum daily requirements of the vitamins present in the article were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices) and in such terms as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content, and its label failed to bear, as required by the regulations, a statement that the need for calcium pantothenate and pyridoxine in human nutrition has not been established.

DISPOSITION: February 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a government hospital:

6799. Misbranding of Vitapan Tablets. U. S. v. 1,000 Bottles of Vitapan Tablets. Default decree of condemnation and destruction. (F. D. C. No. 11616. Sample No. 58460-F.)

LIBEL FILED: January 11, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about October 21, 1943, by the Purity Drug Co., Inc., from Passaic, N. J.

PRODUCT: 1,000 bottles, each containing 100 Vitapan Tablets, at Washington, D. C.

The article was represented on the label as containing, per tablet, 10 milligrams of calcium pantothenate and 333 U. S. P. units of vitamin B₁, in a base of brewers' yeast.

LABEL, IN PART: "Improved 'Vitapan' Calcium Pantothenate with Vitamin B₁."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements on the label which represented and suggested that the article was effective to prevent the graying of hair and to restore to gray hair its original color were false and misleading since it was not effective for such purposes.

DISPOSITION: February 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6800. Misbranding of Vigor-Ettes (whole wheat wafers). U. S. v. 102 Cases of Whole Wheat Wafers. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11759. Sample No. 51850-F.)

LIBEL FILED: February 10, 1944, District of New Hampshire.

ALLEGED SHIPMENT: On or about October 11, 1943, by the Aperion Products Co., from Boston, Mass.

PRODUCT: 102 cases, each containing 2 dozen 12-ounce cartons, of whole wheat wafers, at Manchester, N. H.

LABEL, IN PART: "Vigor-Ettes."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), because of false and misleading statements on the label, which represented and suggested that the article was of special nutritional significance by reason of the presence of sodium, magnesium, manganese, sulfur, chlorine, silica (Si₂O₂), and potassium; that it was non-fattening; that use of the article would provide vim and vigor; and that there is a generally recognized quantity of sodium, magnesium, sulfur, manganese, and chlorine needed daily in order to maintain normal nutrition; Section 403 (j), the article was represented as a food for special dietary uses by man by reason of its vitamin A, B, C, D, and E content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins A, B, C, and D, and the quantity of vitamin E, supplied by a specified quantity of the article when consumed during a period of 1 day; and it failed to bear a statement that the need in human nutrition for vitamin E has not been established.

DISPOSITION: April 5, 1944. The Aperion Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of an employee designated by the Federal Security Administrator.

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¹ Seizure contested. Contains findings of fact and conclusions of law.

² (6691) Seizure contested. Contains findings of fact and conclusions of law.

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¹ Seizure contested. Contains finding of fact and conclusions of law.

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

6801-7000

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., May 18, 1945.

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BEVERAGES AND BEVERAGE MATERIALS

6801. Adulteration of beer. U. S. v. 1,497 Cases, 1,500 Cases and 60 Cases of Beer. Default decrees of condemnation and destruction. (F. D. C. Nos. 13912, 14118. Sample Nos. 61829-F, 79743-F, 79744-F.)

LIBELS FILED: On or about October 6 and 25, 1944, Northern District of Texas and Southern District of West Virginia.

ALLEGED SHIPMENT: On or about September 19 and 28, 1944, by the Commonwealth Brewing Corporation, from Springfield, Mass.

PRODUCT: Beer: 1,497 cases at Dallas, Tex., and 1,560 cases at Logan, W. Va., each case containing 24 12-ounce bottles.

LABEL, IN PART: "Gold Medal Tivoli Beer," or "Oxford Brand Beer."

VIOLATIONS CHARGED: Adulteration, Sections 402 (a) (2) and 406, the product contained an added poisonous and deleterious substance, fluorine, which was unsafe within the meaning of the law since it was a substance not required in the production of this food and could have been avoided by good manufacturing practice.

DISPOSITION: On or about November 4 and 13, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. A portion of the bottles was ordered sold.

6802. Adulteration of brewers' flakes. U. S. v. 400 Bags of Brewers' Flakes. Consent decree of condemnation. Product ordered destroyed. (F. D. C. No. 13673. Sample No. 68347-F.)

LIBEL FILED: September 13, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 8, 1944, by the General Foods Corporation, Kankakee, Ill.

PRODUCT: 400 80-pound bags of brewers' flakes at Cleveland, Ohio.

LABEL, IN PART: "Post's Brewers Flakes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: September 23, 1944. The consignor and consignee of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

6803. Adulteration of brewers' flakes. U. S. v. 539 Bags of Brewers' Flakes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13214. Sample No. 68067-F.)

LIBEL FILED: August 10, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 7, 1944, by the Illinois Cereal Mills, Inc., Paris, Ill.

PRODUCT: 539 bags, each containing 55 pounds, of brewers' flakes at Cincinnati, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, insect fragments, and rodent hair fragments.

DISPOSITION: August 11, 1944. The Clyffside Brewing Co., claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond to be mixed with other ingredients to make stock feed, under the supervision of the Food and Drug Administration.

6804. Adulteration of green coffee beans. U. S. v. 250 Bags and 237 Bags of Green Coffee Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13482. Sample Nos. 71879-F, 71880-F.)

LIBEL FILED: September 1, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about July 21, 1944, by the W. S. Force Co., from New York, N. Y.

PRODUCT: 487 100-pound bags of green coffee beans at Portland, Oreg.

LABEL, IN PART: "B A P Producto de Venezuela."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils.

DISPOSITION: September 19, 1944. Closset and Devers, Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be fumigated and reconditioned under the supervision of the Federal Security Agency.

6805. Adulteration and misbranding of fountain sirups. U. S. v. 6 Cases of Pineapple Flavored Sirup, 16 Cases of Grape Flavored Sirup, 81 Cases of Strawberry Flavored Sirup, 34 Cases of Vanilla Flavored Sirup, 41 Cases of Cherry Flavored Sirup, and 12 Cases of Raspberry Flavored Sirup. Consent decree of condemnation. Products ordered released under bond to be relabeled. (F. D. C. No. 13040. Sample Nos. 81735-F to 81740-F, incl.)

LIBEL FILED: July 31, 1944, District of New Jersey.

ALLEGED SHIPMENT: From on or about April 4 to 21, 1944, by the New York Syrup Corporation, from Bronx, N. Y.

PRODUCT: 190 cases, each containing 4 1-gallon bottles, of the above-named fountain sirups.

LABEL, IN PART: (Bottles) "Eagle Brand."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (3), (40 cases) inferiority had been concealed by the addition of artificial flavoring, and (150 cases) by the addition of artificial flavoring and coloring; Section 402 (b) (4), artificial flavoring (40 cases), or artificial flavoring and coloring (150 cases), had been added to the articles and mixed therewith so as to make them appear better and of greater value than they were.

Misbranding, Section 403 (a), the label statements (150 cases), "Pineapple Flavored Syrup," "Grape Flavored Syrup," "Strawberry Flavored Syrup,"

"Cherry Flavored Syrup," and "Raspberry Flavored Syrup," were misleading as applied to the articles, which contained artificial flavoring; and (34 case lot) the label statement, "Vanilla Flavored Syrup," was false and misleading as applied to an artificially flavored sirup; Section 403 (b), (all lots) they were offered for sale under the names of other foods; Section 403 (c), (all lots) they were imitations of other foods and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403 (k), (115 cases) they contained artificial flavoring and they failed to bear labeling stating that fact.

DISPOSITION: September 11, 1944. The New York Syrup Corporation having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6806. Adulteration of grapefruit juice. U. S. v. 179 Cases of Grapefruit Juice. Default decree of condemnation and destruction. (F. D. C. No. 13663. Sample No. 79078-F.)

LIBEL FILED: September 12, 1944, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about June 27, 1944, by the Ridge Growers Cooperative, Inc., Frostproof, Fla.

PRODUCT: Grapefruit juice: 179 cases, each containing 12 cans, at Detroit, Mich.

This product contained maggots, fly eggs, and decomposed fruit material.

LABEL, IN PART: "Ever Sweet Brand Fancy Unsweetened Florida Grapefruit Juice Cont. 1 Qt. 14 Fl. Oz."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREALS AND CEREAL PRODUCTS

ALIMENTARY PASTES

6807. Adulteration of alimentary paste. U. S. v. Porter-Scarpelli Macaroni Co. Plea of guilty. Fine, \$100. (F. D. C. No. 11430. Sample Nos. 36522-F to 36524-F, incl., 36526-F.)

INFORMATION FILED: On July 7, 1944, in the District of Utah, against the Porter-Scarpelli Macaroni Co., a corporation, Salt Lake City, Utah.

ALLEGED SHIPMENT: On or about December 6, 1943, from the State of Utah into the States of California and Idaho.

LABEL, IN PART: "Porter Wide Fril-Lets [or "Coil Vermicelli," "Elbow Spaghetti," or "Midget Sea Shell"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent-type hairs, insect parts, miscellaneous filth, a hair resembling a cat hair, a worm body part, one seta, and one sugar mite; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 25, 1944. A plea of guilty having been entered, the defendant was fined \$50 on each of 2 counts, a total fine of \$100.

6808. Adulteration of macaroni. U. S. v. 42 Boxes of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 13376. Sample No. 58984-F.)

LIBEL FILED: August 23, 1944, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about October 1 and December 27, 1943, from Cincinnati, Ohio.

PRODUCT: Macaroni: 42 boxes, each containing 20 pounds, at Richmond, Va., in the possession of the W. M. Gary Grocery Co., Inc.

This product had been stored, after shipment, under insanitary conditions. The boxes had been gnawed by rodents, and rodent pellets were observed on the boxes. Examination showed that the product had been contaminated with rodent urine and contained rodent excreta, beetles, and larvae.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6809. Misbranding of spaghetti and macaroni. U. S. v. 39 Cases of Spaghetti and 39 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 13505. Sample Nos. 75462-F, 75463-F.)

LIBEL FILED: September 5, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about August 23, 1944, by the Vimco Macaroni Products Co., from Carnegie, Pa.

PRODUCTS: Spaghetti and macaroni: 39 cases of each, each case containing 24 packages, at Buffalo, N. Y.

LABEL, IN PART: "Net Weight One Pound Long Spaghetti [or "Elbow Macaroni"]."

VIOLATION CHARGED: Misbranding, Section 403 (d), the containers were so filled as to be misleading since the spaghetti occupied, on an average, about 44 percent, and the macaroni occupied, on an average, about 73 percent of the volume of the package.

DISPOSITION: October 9, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed. They were distributed to various charitable institutions.

6810. Misbranding of spaghetti. U. S. v. 95 Cases of Spaghetti. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 13631. Sample No. 88021-F.)

LIBEL FILED: On or about September 11, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about July 18, 1944, by the Prince Macaroni Manufacturing Co., from Boston, Mass.

PRODUCT: Spaghetti: 95 cases, each containing 36 8-ounce packages, at East Hartford, Conn.

LABEL, IN PART: (Packages) "White Spray Spaghetti Guaranteed Made From Pure Durum Semolina Distributed By First National Stores, Inc., Somerville, Mass."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading since the product occupied, on an average, less than 50 percent of the volume of the package.

DISPOSITION: October 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

FLOUR*

6811. Adulteration and misbranding of flour. U. S. v. 650 Bags of Flour. Tried to the court. Judgment for the Government. Decree of condemnation entered and product ordered released under bond. (F. D. C. No. 9777. Sample No. 37659-F.)

LIBEL FILED: April 9, 1943, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about February 26, 1943, by the Wolf Milling Co., Ellinwood, Kans.

PRODUCT: 650 98-pound bags of flour at Detroit, Mich.

LABEL, IN PART: (Tag) "A Baking Specialty W M C No. 1 Unbleached Hard Wheat Flour containing unbleached hard wheat flour artificially aged with oxides of nitrogen, commercial vegetable lecithin, soya bean flour, monocalcium phosphate, and salt (NaCl)."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2); misbranding, Section 403 (g) (1). The details of the adulteration and misbranding charges are set forth below in the findings of fact and conclusions of law.

DISPOSITION: On or about April 4, 1944. The Wolf Milling Co., claimant, having denied that the product was adulterated or misbranded, and a jury having been waived, the case came on for trial. On April 10, 1944, the court, having considered the evidence and arguments of counsel, handed down the following findings of fact and conclusions of law:

ARTHUR F. LEDERLE, *District Judge*:

*See also Nos. 6859-6862, 6991.

FINDINGS OF FACT

"1. The Government in this action seized from the premises and possession of the Hall Baking Company, 6165 Fourth Avenue, Detroit, Michigan, several hundred bags of an article labeled as follows: (Front) '98 lbs. A Baking Specialty-WMC-No. 1 Unbleached Hard Wheat Flour containing unbleached hard wheat flour artificially aged with oxides of nitrogen, commercial vegetable lecithin, soya bean flour, monocalcium phosphate, and salt (NaCl). THE WOLF MILLING COMPANY Ellinwood, Kansas [Reverse side] A Baking Specialty RECOMMENDED USE We recommend using 'WMC' as a baking specialty to be added to your favorite brand of flour to suit your formula in all your baked sweet goods. THE WOLF MILLING COMPANY Ellinwood, Kansas.' * * *

"This seizure was made in accordance with the provisions of Section 304 of the Federal Food, Drug and Cosmetic Act, 21 U. S. C. A. 334. The Claimant, Wolf Milling Company, of Ellinwood, Kansas, filed a claim, amended claim and answer to this libel action. It is conceded that the Claimant manufactured and shipped the goods seized, and that the goods moved in interstate commerce prior to such seizure and are subject to the provisions of this Act, as a food defined by the Act, 21 U. S. C. A. 321 (f).

"2. The Government in its libel charged:

"(a) That the article is adulterated in violation of 21 U. S. C. A. 342 (b) (2) in that artificially colored flour has been substituted wholly or in part for wheat flour, which article it is represented to be.

"(b) That the article is misbranded in violation of 21 U. S. C. A. 343 (g) (1) in that it purports to be and is represented as wheat flour, food for which a definition and standard of identity have been prescribed by regulations promulgated pursuant to 21 U. S. C. A. 341, and it fails to conform to such definition and standard because it contains ingredients not permitted or recognized in such definition and standard, namely, yellow nitric acid-treated flour, and lecithin, soya bean flour, monocalcium phosphate and salt.

"(c) That the article is misbranded in violation of 21 U. S. C. A. 343 (k) in that it contains artificial coloring by reason of having been mixed with flour that has been colored yellow by treating with nitric acid and fails to bear labeling stating that fact. During the course of the trial, the Government withdrew the charge of violation of Section 343 (k) of the Act.

"3. It is conceded that the major portion of the contents of the bags was unbleached hard wheat flour, the balance of the mixture being made up as follows: approximately 2% of unbleached flour processed with nitric acid in accordance with the teachings of U. S. Letters Patent 2,223,387, issued December 3, 1940, and a small amount of soy bean flour, monocalcium phosphate, and sodium chloride.

"4. There is no evidence that the Claimant attempted to deceive anyone in connection with the adoption of this label, or that anyone was deceived by the label. Consequently, I find that Claimant acted in good faith.

"5. Notwithstanding the fact that there was no intention of deception involved, the product contained in the bags seized was misbranded, contrary to the provisions of Section 403 (g) (1) of the Federal Food, Drug and Cosmetic Act, 21 U. S. C. A. 343 (g) (1), in that the product purported to be, and was represented to be, a food (flour) for which a definition and standard of identity had been prescribed by regulation as provided by Section 401 of the Federal Food, Drug and Cosmetic Act, 21 U. S. C. A. 341 (according to the regulations issued by the Federal Security Administrator, printed in the Federal Register for May 27, 1941, Page 2574 et seq.; Section 15.000, Volume 6, No. 103, Federal Register), and such product did not conform to the definition and standard of identity for flour because it contains ingredients not recognized nor permitted by the regulation, namely nitric acid treated flour, lecithin, soy bean flour, monocalcium phosphate and salt.

CONCLUSIONS OF LAW

"1. This court has jurisdiction of this libel and condemnation action by virtue of the finding in this District of allegedly misbranded food which had been transported in interstate commerce. 21 U. S. C. A. 334 (a).

"2. The Federal Food, Drug and Cosmetic Act, 21 U. S. C. A. 301, et seq., is constitutional. *Federal Security Adm. v. Quaker Oats Co.*, 1943, 318 U. S. 218.

"3. The seized goods having been shipped in interstate commerce contrary

to the provisions of the Act, it follows that the libel must be sustained. 21 U. S. C. A. 334.

"4. In view of the fact that the Claimant proceeded in good faith, although contrary to the provisions of said Act, the decrees sustaining the libel shall authorize Claimant to repossess the seized goods in accordance with the provisions of Section 304 (d) of the Act, 21 U. S. C. A. 334 (d)."

On April 10, 1944, a judgment of condemnation was entered and the product was ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The product was mixed with fish meal, for use as stock feed.

6812. Adulteration and misbranding of enriched, phosphated flour. U. S. v. 49 Boxes of Flour. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 12772. Sample No. 61345-F.)

LIBEL FILED: June 27, 1944, Southern District of Texas.

ALLEGED SHIPMENT: On or about March 12, 1944, by the Pillsbury Flour Mills Co., from Enid, Okla.

PRODUCT: Flour; 49 boxes, each containing 25 2-pound bags, at Houston, Tex.

LABEL, IN PART: (Bags) "Pillsbury's Best XXXX Bake-proved All-Purpose Enriched Phosphated Flour Bleached."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted from the product.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard for enriched flour since it contained approximately 1.33 milligrams of thiamine (vitamin B₁) per pound, whereas the standard requires not less than 2.0 milligrams per pound; and, Section 403 (a), the label statements, "Enriched * * * Flour * * *," and "Contains not less than the following proportions of the minimum daily requirements Vitamin B₁ 100% * * * per 8 ounces of enriched * * * flour," were false and misleading as applied to the product, which failed to conform to the definition and standard for enriched flour and contained less than 100 percent of the minimum daily requirements of vitamin B₁ per 8 ounces.

DISPOSITION: August 29, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

Nos. 6813 to 6847 report actions involving flour that was contaminated with one or more of the following types of filth: Insects, insect fragments, insect excreta pellets, larvae, pupae, cast skins, webbing, rodent excreta, rodent hairs and hair fragments, and urine. (In those cases in which the time of contamination was known that fact is stated in the notice of judgment.)

6813. Adulteration of flour. U. S. v. 1,489 Bags of Flour. Consent decree of condemnation. Product released under bond. (F. D. C. No. 13755. Sample Nos. 86938-F to 86941-F, incl.)

LIBEL FILED: On or about October 6, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: From on or about June 24 to August 3, 1944, by the Spokane Flour Mills Co., from Spokane, Wash.

PRODUCT: 1,489 100-pound bags of flour at Chicago, Ill.

LABEL, IN PART: "Golden Harvest Pie Unbleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: November 3, 1944. The claimant, the Wagner Baking Corporation, Chicago, Ill., having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond for reprocessing into animal feed, under the supervision of the Food and Drug Administration.

6814. Adulteration of flour. U. S. v 100 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13273. Sample No. 75917-F.)

LIBEL FILED: August 18, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 15, 1944, by the Duluth Universal Milling Co., from Duluth, Minn.

PRODUCT: Flour: 100 bags, each containing 100 pounds, at Pittsburgh, Pa.

LABEL, IN PART: "Hi-Gluten * * * Pure Gold Patent Bleached Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: September 7, 1944. Ida G. Schomaker, Pittsburgh, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for sale and conversion into hog feed, under the supervision of the Food and Drug Administration.

6815. Adulteration of flour. U. S. v. 26 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 13274. Sample No. 75918-F.)

LIBEL FILED: August 18, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 1, 1944, by the Bay State Milling Co., from Winona, Minn.

PRODUCT: 26 bags of flour at Pittsburgh, Pa.

LABEL, IN PART: "Winona Flour 100 Lbs. Net Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: September 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6816. Adulteration of flour. U. S. v. 21 Bags of Enriched Flour and 4 Bags of Plain Flour. Default decree of condemnation and destruction. (F. D. C. No. 13825. Sample Nos. 73907-F, 73908-F.)

LIBEL FILED: September 30, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about March 23, 1944, by the V-O Milling Co., from Los Angeles, Calif.

PRODUCT: 25 100-pound bags of flour at Mesa, Ariz.

LABEL, IN PART: "V-O Fancy Patent Family Flour Bleached * * * 'Aristocrat of the Kitchen' * * * Enriched With Vitamins and Iron," or "Orange Brand Family Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, pupae, and cast skins.

DISPOSITION: November 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6817. Adulteration of flour. U. S. v. 373 Bags and 115 Bags of Flour. Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 13888, 14177. Sample Nos. 89660-F, 89673-F.)

LIBELS FILED: October 3 and November 1, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: On or about February 5, March 21, and April 28, 1944, by the Blair Milling Co., Atchison, Kans.

PRODUCT: Flour; 373 bags, each containing 25 pounds, at Berryville, Ark., and 115 bags, each containing 50 pounds, at Harrison, Ark.

LABEL, IN PART: "Bleached White Fox Extra High Patent Flour," or "Bleached Blair's Best Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, insect fragments, or cast skins.

DISPOSITION: October 24 and November 17, 1944. A. M. Jackson, trading as the Berryville Supply Co., claimant for the lot at Berryville, having admitted the allegations of the libel, and the Harrison Grocer Co. having appeared as claimant for the lot at Harrison, judgments of condemnation were entered and the product was ordered released under bond for denaturing so that it could not be used for human consumption, under the supervision of the Food and Drug Administration.

6818. Adulteration of flour. U. S. v. 31 Bags of Enriched flour. Default decree of condemnation. Product ordered delivered to a Federal institution, to be used for hog feed. (F. D. C. No. 13368. Sample No. 81859-F.)

LIBEL FILED: On or about August 24, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about November 15, 1943, from Buffalo, N. Y.

PRODUCT: 31 100-pound bags of enriched flour at Danbury, Conn., in possession of the D. G. Penfield Co.

The flour was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination of flour taken from the lot showed that the article contained rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, to be used for hog feed.

6819. Adulteration of flour. U. S. v. 31 Bags of Flour. Default decree of condemnation. Product ordered sold for use as animal feed. (F. D. C. No. 13343. Sample No. 58979-F.)

LABEL FILED: August 12, 1944, District of Maryland.

ALLEGED SHIPMENT: On or about February 25, 1944, from Akron, Ohio.

PRODUCT: Flour: 31 bags, each containing 100 pounds, at Baltimore, Md., in the possession of B. Green and Co., Inc.

This product had been stored under insanitary conditions after shipment. The bags had been gnawed by rodents and contained urine stains and rodent pellets. Examination showed that the product contained rodent hairs, beetles, larvae, cast skins, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 21, 1944. No claimant having appeared, judgment of condemnation was entered and the marshal was ordered to sell the product to a feed dealer, for use as animal feed.

6820. Adulteration of flour. U. S. v. 54 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 13350. Sample No. 52406-F.)

LABEL FILED: August 18, 1944, District of New Hampshire.

ALLEGED SHIPMENT: On or about December 20, 1943, from Buffalo, N. Y.

PRODUCT: Flour: 54 bags, each containing 100 pounds, at Boscawen, N. H., in the possession of the Stratton Co.

This product had been stored, after shipment, under insanitary conditions. Rodent pellets and urine stains were observed on the bags, and examination disclosed the presence of urine in the product.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 26, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6821. Adulteration of flour. U. S. v. 18 Bags of Flour. Default decree of condemnation. Product ordered delivered to a Federal institution for use as hog feed. (F. D. C. No. 13312. Sample No. 81846-F.)

LABEL FILED: August 8, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about January 13, 1944, by the Washburn Crosby Co. (Eastern Division, General Mills, Inc.), from Buffalo, N. Y.

PRODUCT: 18 100-pound bags of flour at New Haven, Conn.

LABEL, IN PART: (Bags) "Cimeter First Clear Flour Bleached Star and Crescent Milling Co. (trade name) of General Mills, Inc."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, pupae, insect fragments, and insect excreta pellets.

DISPOSITION: October 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, to be used for hog feed.

6822. Adulteration of flour. U. S. v. 13 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 11786. Sample No. 55986-F.)

LIBEL FILED: February 18, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about July 29 and August 12, 1943, from Great Falls, Mont.

PRODUCT: Flour: 13 100-pound sacks at Seattle, Wash., in the possession of Brenner's Bakery.

This product had been stored, after shipment, under insanitary conditions. The bags had been gnawed by rodents and contained rodent pellets and urine stains. Examination disclosed the presence of rodent excreta and rodent hairs in the product.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6823. Adulteration of flour. U. S. v. 957 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13968. Sample Nos. 80366-F, 80367-F.)

LIBEL FILED: October 18, 1944, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about May 31 and July 11, 1944, by the Gooch Milling and Elevator Co., from Lincoln, Nebr.

PRODUCT: 910 bags, each containing 25 pounds, and 47 bags, each containing 50 pounds, of flour.

LABEL, IN PART: "Gooch's Best Flour Enriched Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: November 8, 1944. D. L. Wood & Son, Inc., Benton, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reprocessing and conversion into stock feed, under supervision of the Food and Drug Administration.

6824. Adulteration of plain flour and corn flour. U. S. v. 221 Sacks of Enriched Flour, 14 Bags of Yellow Corn Flour, and 215 Bags of White Corn Flour. Consent decrees of condemnation. Products ordered released under bond. (F. D. C. Nos. 13225, 13462. Sample Nos. 72456-F, 87326-F, 87327-F.)

LIBELS FILED: On or about August 17 and 30, 1944, Southern and Northern Districts of Iowa.

ALLEGED SHIPMENT: From on or about November 13, 1943, to June 14, 1944, by the Crete Mills, Crete, Nebr.

PRODUCT: 221 25-pound sacks of plain flour at Chariton, Iowa, and 14 100-pound bags of yellow corn flour and 215 100-pound bags of white corn flour at Sioux City, Iowa.

LABEL, IN PART: "Victor Enriched Flour," "Yellow Corn Flour," or "White Corn Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: September 8 and October 21, 1944. The Tolerton & Warfield Co., Sioux City, Iowa, claimant for the Sioux City lot, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The Chariton Wholesale Grocery Co., Chariton, Iowa, claimant for the lot at Chariton, having consented to the entry of a decree, judgment of condemnation was entered and that lot was ordered released under bond to be denatured under the supervision of the Food and Drug Administration.

6825. Adulteration of bromated flour, plain flour, whole wheat flour, and cake flour. U. S. v. 55 Bags of Flour (and 3 other seizure actions against flour). Decrees of condemnation. Portion of products ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 13599, 13724, 13731, 13915. Sample Nos. 59939-F, 63913-F, 68089-F, 89640-F.)

LIBELS FILED: Between September 2 and October 6, 1944, Southern District of Florida, Western District of Arkansas, Southern District of Ohio, and Eastern District of Wisconsin.

ALLEGED SHIPMENT: Between on or about May 15 and September 10, 1944, by General Mills, Inc., from El Reno, Okla., Wichita, Kans., Minneapolis, Minn., and Proviso, Ill.

PRODUCT: Flour: 55 bags, each containing 100 pounds, at Miami, Fla.; 88 bags, each containing 25 pounds, at Rogers, Ark.; and 20 bags at Portsmouth, Ohio, and 48 bags at Milwaukee, Wis., each bag containing 100 pounds.

LABEL, IN PART: (Bags) "Upheaval Strong Specialty Bread Bleached Bromated Flour," "Red Star 'Perfect Process' Enriched Flour Bleached," "Hi-Protein Gold Medal Whole Wheat Flour medium ground," or "Rogges Famous Cake Flr * * * Bleached."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of one or more of the following: Weevils, larvae, cast skins, or beetles.

DISPOSITION: On October 24, 1944, the Hahn Baking Co. having appeared as claimant for the lot at Milwaukee, judgment of condemnation was entered and the product was ordered released under bond to be denatured so as to render it unsalable for human consumption, under the supervision of the Food and Drug Administration. Between October 24 and November 6, 1944, the consignee of the lot at Rogers having consented to the entry of a decree, and no claimants having appeared for the remaining lots, judgments of condemnation were entered and the products were ordered destroyed.

6826. Adulteration of cake and pastry flour and rye flour. U. S. v. 267 Bags of Cake and Pastry Flour and 8 Bags of Rye Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13454. Sample Nos. 68488-F, 68489-F.)

LIBEL FILED: August 31, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 14, 1943, and June 5, 1944, from Tacoma, Wash., and Chicago, Ill.

PRODUCT: 267 100-pound bags of cake and pastry flour, and 8 100-pound bags of rye flour at Columbus, Ohio, in possession of the Patton Warehouse Inc.

The flour was stored under insanitary conditions. The bags were rodent-gnawed, and rodent pellets were observed on them. Examination of samples disclosed that the article (8 bags) contained weevils, larvae, and insect fragments; and (267 bags) was contaminated with rodent urine and rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 20, 1944. Patton Warehouse, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into conformity with the law, under the supervision of the Federal Security Agency. The product was denatured for use as animal feed.

6827. Adulteration of mixed corn and soy flour. U. S. v. 413 Bags and 332 Bags of White Corn and Soy Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13715. Sample Nos. 89808-F, 89809-F.)

LIBEL FILED: September 25, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 1 and 10, 1944, from Chicago, Ill.

PRODUCT: 745 100-pound bags of white corn and soy flour at Memphis, Tenn., in possession of the Rose Warehouse Co.

The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets were observed on them. Examination showed that the article contained rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 26, 1944. The J. R. Short Milling Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured for use as animal feed, under the supervision of the Federal Security Agency.

6828. Adulteration of durum flour and plain flour. U. S. v. 23 Bags and 182 Bags of Flour. Decrees of condemnation. Portion of product released under bond; remainder ordered distributed to a Federal institution, for use as hog feed. (F. D. C. Nos. 13410, 13464. Sample Nos. 59871-F, 81855-F.)

LIBELS FILED: On or about September 2 and 5, 1944, District of Connecticut and Northern District of Illinois.

ALLEGED SHIPMENT: On or about December 4 and 28, 1943, and April 29, 1944, by the Capital Flour Mills, Inc., from St. Paul, Minn.

PRODUCT: Flour: 23 bags and 182 bags, each containing 100 pounds, at Middletown, Conn., and Chicago, Ill., respectively.

LABEL, IN PART: (Tag) "Bemo Durum 1st Clear Flour," or "Minnesota Girl Flour Enriched Fancy Patent Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, cast skins, insect fragments, or beetles.

DISPOSITION: October 6, 1944. No claimant having appeared for the lot at Middletown, judgment of condemnation was entered and the product was ordered distributed to a Federal institution, for use as hog feed. On October 10, 1944, Oreste Tardella having appeared as claimant for the lot at Chicago, and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging, under the supervision of the Food and Drug Administration.

6829. Adulteration of durum flour. U. S. v. 150 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13465. Sample No. 59872-F.)

LIBEL FILED: September 5, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 12, 1944, by the Minneapolis Milling Co., from Minneapolis, Minn.

PRODUCT: Flour: 150 bags, each containing 90 pounds, at Chicago, Ill.

LABEL, IN PART: "Palermo Durum Patent Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and webbing.

DISPOSITION: November 3, 1944. William E. Albright, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was denatured by the addition of fish meal.

6830. Adulteration of phosphated flour. U. S. v. 55 Sacks of Flour. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 13239. Sample No. 80595-F.)

LIBEL FILED: August 15, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: On or about April 5, 1944, by the New Era Milling Co., from Arkansas City, Kans.

PRODUCT: 55 50-pound sacks of flour at Nashville, Ark.

LABEL, IN PART: "Polar Bear Enriched Phosphated Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, pupae, cast skins, and insect fragments.

DISPOSITION: November 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal correctional institution.

6831. Adulteration of phosphated and plain flour. U. S. v. 35 Bags of Flour (and 2 other seizure actions against flour). Default decrees of condemnation. Portion of product ordered destroyed; remainder ordered sold. (F. D. C. Nos. 13231, 13659, 13661. Sample Nos. 75385-F, 80469-F, 80470-F, 80472-F.)

LIBELS FILED: August 18, 1944, Southern District of Ohio; and on or about September 16, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of October 16, 1943, and April 10, 1944, by the Pillsbury Flour Mills Co., from Springfield, Ill., and Atchison, Kans.

PRODUCT: Flour; 35 100-pound bags at Dillonvale, Ohio, and 106 50-pound bags and 109 24-pound bags at Monroe City, Mo.

LABEL, IN PART: "Pillsbury's Best Bake Proof [or "Bake-proved"] 4 X Flour * * * All Purpose Bleached Enriched," or "Verigood Family Flour Phosphate Added."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, weevils, and cast skins.

DISPOSITION: September 29, 1944. No claimant having appeared for the lot at Dillonvale, the product was ordered destroyed. It was denatured and disposed of as animal feed. On December 4, 1944, no claimant having appeared for the remainder, judgments of condemnation were entered and the product was ordered sold, under the direction of the Federal Security Agency, to be denatured so that it could not be used for human consumption. It was sold and converted into animal feed.

6832. Adulteration of phosphated flour. U. S. v. 59 Bags and 209 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for conversion into animal or stock feed. (F. D. C. No. 13125. Sample Nos. 72580-F, 72581-F.)

LIBEL FILED: August 5, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about April 20 and March 20, 1944, from Fremont, Nebr.

PRODUCT: 59 50-pound bags and 209 10-pound bags of flour at Memphis, Tenn., in the possession of the Clayton-Brown Co.

This product had been stored, after shipment, under insanitary conditions. The bags were rodent-gnawed, and rodent pellets and urine stains were observed. Examination disclosed the presence of larvae and insect fragments in the product.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 17, 1944. The Nebraska Consolidated Mills, Omaha, Nebr., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into animal or stock feed, under the supervision of an officer designated by the Federal Security Agency Administrator.

6833. Adulteration of phosphated flour. U. S. v. 284 Bags of Flour. Consent decree of condemnation. Product released under bond. (F. D. C. No. 14153. Sample No. 89672-F.)

LIBEL FILED: October 27, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: On or about May 16, 1944, by the Consolidated Flour Mills Co., from Newton, Kans.

PRODUCT: 284 bags of flour, at Harrison, Ark.

LABEL, IN PART: "Phosphated Flour Bleached Fancy Short Patent."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and weevils.

DISPOSITION: November 17, 1944. The claimant, the Harrison Grocer Co., Harrison, Ark., having admitted that the product was adulterated as alleged in the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured so that it could not be used for human consumption.

6834. Adulteration of phosphated flour. U. S. v. 155 Bags of Flour. Decree of condemnation. Product ordered released under bond for conversion into animal feed. (F. D. C. No. 13257. Sample No. 89959-F.)

LIBEL FILED: August 18, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: On or about May 27, 1944, by the Abilene Flour Mills Co., Abilene, Kans.

PRODUCT: 155 bags, each containing 50 pounds, of flour at Siloam Springs, Ark.

LABEL, IN PART: "Lite Flake Phosphated Bleached Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, pupae, cast skins, and insect fragments.

DISPOSITION: September 9, 1944. L. M. Greene, Siloam Springs, Ark., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for conversion into animal feed, under the supervision of the Food and Drug Administration.

6835. Adulteration of rye flour. U. S. v. 28 Bags of Rye Flour. Decree of condemnation. Product ordered delivered to a Federal institution, for use as hog feed. (F. D. C. No. 13780. Sample No. 81881-F.)

LIBEL FILED: On or about September 12, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about July 8, 1944, by J. T. Lampman & Co., from Claverack, N. Y.

PRODUCT: 28 100-pound bags of rye flour at Bridgeport, Conn.

LABEL, IN PART: "Pure White Patent Imperial Bleached Rye Flour Manufactured For M. Stroh Flour Co. New Haven, Conn.," or "Imperial White Rye Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and webbing.

DISPOSITION: September 27, 1944. The owner of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as hog feed.

6836. Adulteration of self-rising flour, phosphated flour, cake flour, whole wheat flour, rye flour, and plain flour. U. S. v. 16 Bags of Plain Flour (and 9 other seizure actions against self-rising flour, phosphated flour, cake flour, whole wheat flour, rye flour, and plain flour). Decrees of condemnation. Portion of products ordered released under bond; remainder ordered denatured or destroyed. (F. D. C. Nos. 13051, 13171, 13238, 13243, 13418, 13449, 13463, 13516, 13567, 13598. Sample Nos. 28896-F, 63912-F, 64046-F, 64048-F, 68070-F, 68077-F, 68078-F, 78916-F, 80547-F to 80550-F, incl., 80579-F, 80596-F.)

LIBELS FILED: Between July 25 and September 6, 1944, Southern District of Ohio, Northern and Southern Districts of Georgia, Eastern and Western Districts of Arkansas, Southern District of Florida, Eastern District of Wisconsin, and Eastern District of Missouri.

ALLEGED SHIPMENT: From on or about November 29, 1943, to July 21, 1944, by General Mills, Inc., Spokane, Wash., Wichita, Kans., Kansas City, Mo., Oklahoma City, Okla., Johnson City, Tenn., Minneapolis, Minn., Wichita Falls, Tex., Chicago, Ill., and Louisville, Ky.

PRODUCT: 16 100-pound bags of plain flour at Cincinnati, Ohio; 576 25-pound bags of self-rising flour and 200 25-pound bags of plain flour at Bowdon, Ga.; 31 25-pound bags of phosphated flour at DeQueen, Ark.; 25 100-pound bags of cake flour at Miami, Fla.; 39 100-pound bags of whole wheat flour at Milwaukee, Wis.; 17 100-pound bags of rye flour at St. Louis, Mo.; 75 50-pound bags of plain flour at Fordyce, Ark.; 21 100-pound bags of whole wheat flour and 17 100-pound bags of cake flour at Barnesville, Ohio; 100 100-pound bags of cake flour, 18 50-pound bags of self-rising flour, and 65 25-pound bags of self-rising flour at Texarkanna, Ark.; and 40 100-pound bags of plain flour at Brunswick, Ga.

LABEL, IN PART: (Bags) "Kay Eight Cone Flour," "Fancy Wheat King Wheat Self Rising Enriched [or "Enriched"] Flour," "Pure Gold Enriched Phosphated Flour," "Washburn Crosby Gold Medal * * * Softasilk Cake [or "Wheat-A-Laxa Whole Wheat" or "Bleached"] Flour," "White Deer Enriched Flour," "Southern Snow Flour," "Purasnow Enriched Self Rising Flour," or "That Good Heliotrope Enriched Self Rising Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of larvae, pupae, cast skins, insect fragments, webbing, beetles, and weevils.

DISPOSITION: Between September 14 and October 10, 1944, Nutt's Cash Store, Fordyce, Ark., General Mills, Inc., Milwaukee, Wis., the Ritchie Grocer Co., Texarkanna and DeQueen, Ark., and the Roop Grocery Co., Bowdon, Ga., having appeared as claimants for the lots located at Fordyce, Milwaukee, Texarkanna, DeQueen, and Bowdon, respectively, and having admitted the material allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be denatured and disposed of for purposes other than human consumption, under the supervision of the Food and Drug Administration. The owner of the Barnesville lot having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered on October 10, 1944, and the product was ordered disposed of in accordance with the law. The product was subsequently denatured and used for animal feed. The consignee of the Cincinnati lot having consented to the immediate destruction of the product, judgment was entered on August 30, 1944, ordering the destruction of that lot. No claimant having appeared for the St. Louis, Miami, and Brunswick lots, judgments of condemnation were entered between September 20 and October 3, 1944, and the St. Louis lot was ordered sold to be denatured for purposes other than human consumption, and the other two lots were ordered destroyed.

6837. Adulteration of self-rising flour and phosphated flour. U. S. v. 6 Bags of Enriched Self-Rising Flour and 34 Bags of Enriched Phosphated Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13205. Sample Nos. 80730-F, 80731-F.)

LIBEL FILED: On or about August 17, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about November 13, 1943, by the Sperry Flour Co., Ogden, Utah.

PRODUCT: 6 100-pound bags of self-rising flour and 34 100-pound bags of phosphated flour at Helena, Ark.

LABEL, IN PART: "Bright Star Enriched Self Rising Flour," or "Enriched Phosphated Flour * * * Bright Star."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, pupae, and insect fragments.

DISPOSITION: October 3, 1944. The Helena Wholesale Grocery Co., Helena, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured under the supervision of the Food and Drug Administration.

6838. Adulteration of self-rising and phosphated flour. U. S. v. 480 Bags and 26 Bags of Flour. Default decrees of condemnation and destruction. (F. D. C. Nos. 13221, 13267. Sample Nos. 60920-F, 60989-F.)

LIBELS FILED: August 12 and 17, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about May 14, 1944, by the Texas Star Flour Mills, from Dallas, Tex.

PRODUCT: Flour: 480 bags, each containing 5 pounds, and 26 bags, each containing 100 pounds.

LABEL, IN PART: "Enriched Flour Self Rising * * * Southern Delight," or "Southern Delight Enriched Phosphated Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: September 13 and 14, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6839. Adulteration of self-rising flour. U. S. v. 216 Bags of Self-Rising Enriched Flour. Default decree of condemnation. Product ordered delivered to a charitable institution, for use as animal feed. (F. D. C. No. 13382. Sample No. 64028-F.)

LIBEL FILED: August 24, 1944, Western District of South Carolina.

ALLEGED SHIPMENT: On or about June 8, 1944, by J. I. Triplett, from Woodstock, Va.

PRODUCT: 216 25-pound bags of self-rising flour at Lancaster, S. C.

LABEL, IN PART: (Bag) "Lily-White Patent Flour Self-Rising Bleached Enriched."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, larvae, cast skins, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable institution, to be used for animal food.

6840. Adulteration of self-rising flour. U. S. v. 28 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 13414. Sample No. 63728-F.)

LIBEL FILED: August 29, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about July 30 and August 6, 1943, from Staunton, Va.

PRODUCT: Flour: 28 bags, each containing 48 pounds, at Charlotte, N. C., in the possession of the Thomas and Howard Co.

This product had been stored, after shipment, under insanitary conditions. Examination showed urine stains on the bags and rodent excreta beneath the float on which the flour was stacked; and disclosed the presence of urine in the product.

VIOLATIONS CHARGED: Adulteration, Section 402, (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6841. Adulteration of self-rising flour. U. S. v. 326 Bags of Self-Rising Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13409. Sample No. 64049-F.)

LIBEL FILED: August 31, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 20 and June 13, 1944, by the Canadian Mill and Elevator Co., from El Reno, Okla.

PRODUCT: 326 25-pound bags of self-rising flour at Bowdon, Ga.

LABEL, IN PART: (Bags) "Golden Beauty Fancy All Purpose Bleached Self-Rising Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: October 9, 1944. The Roop Grocery Co., Bowdon, Ga., claimant, having admitted that the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed for use as animal feed, under the supervision of the Food and Drug Administration.

6842. Adulteration of self-rising flour. U. S. v. 700 Bags of Self-Rising Flour (and 1 other action against self-rising flour). Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 13062, 13411. Sample Nos. 63547-F, 63548-F, 63562-F.)

LIBELS FILED: July 26 and August 31, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about January 27 and March 21, 1944, by the Trenton Milling Co., from Trenton, Ill.

PRODUCT: 700 25-pound bags of self-rising flour at Bowdon, Ga., and 710 25-pound bags of self-rising flour at Monticello, Ga.,

LABEL, IN PART: "Self-Rising Lovely Flour," or "Self-Rising * * * Milky Way Flour [or "Easter Lily"]."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: October 9, 1944. The Roop Grocery Co., Bowdon, Ga., claimant for the Bowdon lot, having admitted that the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed for use as animal feed, under the supervision of the Food and Drug Administration. On August 24, 1944, no claimant having appeared for the Monticello lot, judgment of condemnation was entered and the product was ordered destroyed. Destruction of the latter lot was effected by delivering it to the Atlanta Penitentiary, for use as hog feed.

6843. Adulteration of soy flour. U. S. v. 73 Bags and 34 Bags of Soy Flour. Decrees of condemnation. Portion of product ordered sold; remainder ordered released under bond. (F. D. C. Nos. 13102, 13639. Sample Nos. 61353-F, 72097-F.)

LIBELS FILED: July 29 and September 6, 1944, Southern District of Texas and Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 19, 1943, and February 1, 1944, by the A. E. Staley Manufacturing Co., from Decatur, Ill.

PRODUCT: Soy flour: 73 bags and 34 bags, each containing 100 pounds, at Houston, Tex., and St. Louis, Mo., respectively.

LABEL, IN PART: "Staley's Soyflour Especially Processed for Meat Packers," or "Staley's Soy Flour Hi-Fat."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: August 31, 1944. The A. E. Staley Manufacturing Co., a corporation, having appeared as claimant for the lot at Houston, judgment of condemnation was entered and the product was ordered released under bond for conversion into animal feed, under the supervision of the Food and Drug Administration. On November 3, 1944, no claimant having appeared for the remainder, judgment of condemnation was entered and the product was ordered sold, conditioned that it be denatured so that it could not be used for human consumption.

6844. Adulteration of cracked wheat flour. U. S. v. 19 Bags of Cracked Wheat Flour. Product ordered destroyed. (F. D. C. No. 13280. Sample No. 68072-F.)

LIBEL FILED: August 24, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 20, 1944, from Winona, Minn.

PRODUCT: Cracked wheat flour: 19 bags, each containing 100 pounds, at Marietta, Ohio, in the possession of the Richardson Baking Co.

This product had been stored, after shipment, under insanitary conditions. Some of the bags had been rodent-cut, and rodent excreta was observed on the bags. Examination disclosed the presence of rodent hair fragments, rodent excreta, larvae, and insect fragments in the product.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 29, 1944. No claimant having appeared, the product was ordered destroyed.

6845. Adulteration of whole wheat flour, gluten flour, and phosphated flour. U. S. v. 16 Bags of Whole Wheat Flour (and 3 other seizure actions against gluten flour and phosphated flour). Decrees of condemnation. One lot ordered destroyed; remaining lots ordered released under bond. (F. D. C. Nos. 13110, 13256, 13425, 14002. Sample Nos. 62973-F, 63921-F, 63922-F, 80594-F, 84901-F.)

LIBELS FILED: Between August 1 and October 5, 1944, Eastern and Western Districts of Arkansas, Southern District of Florida, and District of New Jersey.

ALLEGED SHIPMENT: Between the approximate dates of April 3 and August 31, 1944, by the Pillsbury Flour Mills Co., from Enid, Okla., and Philadelphia, Pa.

PRODUCT: 16 100-pound bags of whole wheat flour at Camden, N. J.; 76 50-pound bags of phosphated flour at Russellville, Ark.; 354 25-pound bags of phosphated flour at Eldorado, Ark.; and 64 100-pound bags of gluten flour at Jacksonville, Fla.

LABEL, IN PART: "Pillsbury's Potentate High Gluten," "Pillsbury's Fine Ground Whole Wheat," or "Pillsbury's Best * * * Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, cast skins, pupae, and insect fragments.

DISPOSITION: Between September 29 and October 20, 1944, the Pillsbury Flour Mills Co., the Feeders Supply Co., Russellville, Ark., and the Ritchie Grocer Co., Eldorado, Ark., claimants for the lots at Jacksonville, Russellville, and Eldorado, having admitted the allegations of the respective libels, judgments of condemnation were entered and the products were ordered released under bond to be denatured under the supervision of the Food and Drug Administration. On September 28, 1944, no claimant having appeared for the Camden lot, judgment of condemnation was entered and the product was ordered destroyed.

6846. Adulteration of whole wheat flour and dark rye flour. U. S. v. 20 Bags of Whole Wheat Flour and 12 Bags of Dark Rye Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13229. Sample Nos. 68485-F, 68486-F.)

LIBEL FILED: August 15, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 18 and March 17, 1944, from Springfield, Ill.

PRODUCTS: 20 100-pound bags of whole wheat flour and 12 100-pound bags of dark rye flour, at Reading, Ohio, in possession of Ed. G. Koehl, Inc.

This product had been stored under insanitary conditions after shipment. Rodent pellets were observed on the bags, and examination showed that the product contained rodent hair fragments, larvae, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 22, 1944. Ed. G. Koehl, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into animal feed by mixing with other ingredients, under the supervision of the Food and Drug Administration.

6847. Adulteration of whole wheat flour, rye flour, and plain flour. U. S. v. 19 Bags of Flour (and 7 other seizure actions against flour). Decrees of condemnation. Portions of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 13098, 13241, 13297, 13304, 13305, 13313, 13507, 13597. Sample Nos. 28899-F, 63911-F, 68061-F, 68076-F, 75399-F, 75400-F, 75901-F, 75902-F, 75913-F, 75928-F.)

LIBELS FILED: Between July 31 and September 8, 1944, Southern District of Ohio, Western District of Pennsylvania, and Southern District of Florida.

ALLEGED SHIPMENT: From on or about January 3 to June 24, 1944, by the Russell-Miller Milling Co., from Alton, Ill., Buffalo, N. Y., and St. Louis, Mo.

PRODUCT: Flour; 19 100-pound bags at Cincinnati, Ohio; 215 140-pound bags at Marietta, Ohio; 80 100-pound bags and 57 50-pound bags at Donora, Pa.; 114 100-pound bags and 50 25-pound bags at Point Marion, Pa.; 96 100-pound bags at Sanford, Fla.; 121 98-pound bags at Pittsburgh, Pa.; and 44 100-pound bags at Miami, Fla.

LABEL, IN PART: (Bags) "Occident 100% Whole Wheat Flour Bromated Fine," "Occident Family Flour Enriched Bleached," "Ford Milling Co. Brand Manufactured by Frank H. Blodgett Inc. Wisconsin Janesville, Wis. White Rye Pure," or "Sweet Loaf [or "Producer" or "Goliath"] Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following: Larvae, weevils, insect fragments, and cast skins.

DISPOSITION: August 30 and September 29, 1944. No claimant having appeared for the lots at Cincinnati and Miami, judgments of condemnation were entered and the product was ordered destroyed. On September 30 and October 2 and 9, 1944, C. W. Schramm & Co., the Donora Flour and Feed Co., the Russell-Miller Milling Co., the Victor Cash Feed Store, the Wight Grocery Co., and the Vienna Baking Co., having appeared as claimants for the lots at Marietta, Donora, Point Marion, Sanford, and Pittsburgh, and having admitted the allegations of the libels, judgments of condemnation were entered. The product was ordered released under bond to be salvaged for purposes other than for human consumption.

MISCELLANEOUS CEREAL PRODUCTS

6848. Adulteration of pearl barley. U. S. v. 17 Bags of Pearl Barley. Default decree of condemnation. Product ordered delivered to the National Zoological Park. (F. D. C. No. 13607. Sample No. 92819-F.)

LIBEL FILED: August 31, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about May 15 and June 15, 1944, from Baltimore, Md., and Philadelphia, Pa.

PRODUCT: Pearl barley: 17 bags, each containing 100 pounds, at Washington, D. C., stored at the Terminal Refrigerating and Warehousing Corporation.

This product had been stored, after shipment, under insanitary conditions. A number of the bags had been tunneled by rodents, and rodent excreta and urine stains were observed on the bags. Examination showed that the article contained rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park, for its use only and not for sale.

6849. Adulteration of buckwheat groats. U. S. v. 7 Bags and 7 Bags of Whole Buckwheat Groats. Default decree of condemnation and destruction. (F. D. C. No. 13682. Sample Nos. 78325-F, 78326-F.)

LIBEL FILED: September 14, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about August 23, 1944, by Reeves, Parvin & Co., from Allentown, Pa.

PRODUCT: 14 100-pound bags of whole buckwheat groats at Cohocton, N. Y.

LABEL, IN PART: "Larrowe's Whole Buckwheat Groats," and "Birketts Best Whole Fancy Brown Buckwheat Groats."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and pupae in one portion and rodent excreta in the remainder.

DISPOSITION: November 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6850. Adulteration of Colettes (a corn meal product). U. S. v. 24 Cases of Colettes (and 3 other seizure actions against Colettes). Decrees of condemnation. Portion of product ordered released under bond, portion ordered sold, remainder ordered destroyed. (F. D. C. Nos. 13446, 13893, 13920, 13921. Sample Nos. 68569-F, 73687-F, 73691-F, 90223-F.)

LIBELS FILED: August 28, October 5, and October 9, 1944, Eastern District of Missouri, Southern District of California, and Southern District of Ohio.

ALLEGED SHIPMENT: Between on or about August 11 and September 6, 1944, by the Flakall Corporation, from South Beloit, Ill., Portland, Oreg., and Beloit, Wis.

PRODUCT: Colettes; 24 cases and 20 cartons, each containing 30 pounds, at St. Louis, Mo., and Blanchester, Ohio, respectively; and 464 cases, each containing 25 pounds, at Los Angeles, Calif.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair, rodent hair fragments, fragments resembling rodent hair, and insect fragments; and, Section 402 (a) (4), (St. Louis lot only) it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 9, 1944. The Popcorn Processors, Inc., claimant for the lot at Los Angeles, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for use as hog feed, under the supervision of the Food and Drug Administration. On September 20 and November 24, 1944, no claimants having appeared for the remainder, judgments of condemnation were entered. The lot at St. Louis was ordered sold, provided that it be used solely for non-human consumption, and the lot at Blanchester was ordered destroyed.

6851. Adulteration of corn grits. U. S. v. 800 Bags, 800 Bags, and 800 Bags of Corn Grits. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 13498, 14499, 14515. Sample Nos. 72096-F, 89748-F, 90074-F.)

LIBELS FILED: September 5 and November 20 and 24, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: Between on or about March 9 and September 6, 1944, by the Decatur Milling Co., from Decatur, Ill.

PRODUCT: Corn grits; 2,400 100-pound bags at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, pupae, webbing, and weevils.

DISPOSITION: September 25 and December 12 and 15, 1944. The Griesedieck Bros. Brewery Co., the Hyde Park Breweries Association, Inc., and the Dixie Mills Co., claimants of the respective lots, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that two of the lots and the unfit portion of the third lot be disposed of for purposes other than human consumption, under the supervision of a representative of the Federal Security Agency.

6852. Adulteration of corn grits and hominy grits. U. S. v. 700 Bags and 700 Bags of Corn Grits (and 3 other seizure actions against corn grits, and 1 against hominy grits). Decrees of condemnation. Portion of products ordered destroyed; remainder ordered released under bond. (F. D. C. Nos. 13283, 13284, 13497, 13756, 13882. Sample Nos. 59880-F, 72095-F, 75430-F to 75432-F, incl., 80499-F.)

LIBELS FILED: Between August 19 and October 5, 1944, Western District of New York, Eastern District of Missouri, and Northern and Eastern-Districts of Illinois.

ALLEGED SHIPMENT: Between on or about April 3 and June 19, 1944, by the Chas. A. Krause Milling Co., from Milwaukee, Wis.

PRODUCTS: Corn grits: 2,400 bags at Buffalo, N. Y., 600 second-hand bags at St. Louis, Mo., and 467 bags at Belleville, Ill., each bag containing 100 pounds. Hominy grits; 44 bags, each containing 100 pounds, at Chicago, Ill.

LABEL, IN PART: (Portions) "Amerikorn White Corn Grits [or "Hominy Grits Made from White Corn"]."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of one or more of the following: Beetles, larvae, insect fragments, pupae, cast skins, or weevils.

DISPOSITION: Between August 31 and November 6, 1944, the Iroquois Beverage Corporation and the William Simon Brewery, Buffalo, N. Y., having appeared as claimants for the 1,400 bags and the 1,000 bags, respectively, and the Griesedieck Bros. Brewing Co., a corporation, and the Star-Peerless Brewery Co., a corporation, having appeared as claimants for the lots at St. Louis and Belleville, respectively, judgments of condemnation were entered and the products were ordered released under bond for conversion of the unfit portions into materials to be used for non-human consumption, under the supervision of the Food and Drug Administration. The claimant for the lot at Chicago having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

6853. Adulteration of corn meal. U. S. v. 50 Bags of Corn Meal (and 1 other seizure action against corn meal). Default decrees of condemnation. Product ordered delivered to the National Zoological Park. (F. D. C. Nos. 13614, 13615. Sample Nos. 92821-F, 92823-F.)

LIBELS FILED: September 5, 1944, District of Columbia.

PRODUCT: Corn meal: 90 bags, each containing 100 pounds, at Washington, D. C., in the possession of the Terminal Refrigerating and Warehousing Corporation. This product was stored, after shipment, under insanitary conditions. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on the bags. Examination showed that the product contained rodent excreta, insect webbing, or beetles.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 6, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to the National Zoological Park, for its use only and not for sale.

6854. Adulteration of cracker meal. U. S. v. 30 Cartons of Cracker Meal. Default decree of condemnation. Product ordered delivered to a State institution, to be used for animal feed. (F. D. C. No. 13115. Sample No. 80541-F.)

LIBEL FILED: August 1, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about July 14, 1944, by the Junge Biscuit Co., from Joplin, Mo.

PRODUCT: 30 10-pound cartons of cracker meal at Little Rock, Ark.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a State institution, to be used for animal feed.

6855. Adulteration of popcorn. U. S. v. 81 Bags of Pop Corn. Default decree of condemnation and destruction. (F. D. C. No. 13641. Sample No. 78548-F.)

LIBEL FILED: September 7, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On July 29, 1944, by the Werimont Brothers Grain Co., from Auburn, Iowa.

PRODUCT: Popcorn; 81 second-hand bags, each containing 100 pounds, at Chicago, Ill.

This product contained rodent excreta pellets and moldy kernels.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance.

DISPOSITION: October 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6856. Adulteration of unpopped popcorn. U. S. v. 3 Bags of Unpopped Popcorn. Default decree of condemnation and destruction. (F. D. C. No. 13943. Sample No. 59942-F.)

LIBEL FILED: October 11, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about July 7, 1944, by W. A. Radseck, from Rockford, Ill.

PRODUCT: 3 bags, each containing 100 pounds, of unpopped popcorn at Milwaukee, Wis.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of moths and larvae.

DISPOSITION: November 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product ordered destroyed.

6857. Adulteration of rice. U. S. v. 18 Bags of Rice. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13467. Sample No. 75578-F.)

LIBEL FILED: August 31, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 15, 1944, by the Haas Brothers (Turner Whittell), from San Francisco, Calif.

PRODUCT: 18 100-pound bags of rice at Pittsburgh, Pa.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, pupae, and insect fragments.

DISPOSITION: September 16, 1944. The James W. Houston Co., Pittsburgh, Pa., claimant, having admitted the material allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be remilled, under the supervision of the Food and Drug Administration.

6858. Adulteration of rice. U. S. v. 586 Bags of Rice. Consent decree of condemnation. Product ordered released upon the deposit of cash collateral, or under bond. (F. D. C. No. 13613. Sample No. 92822-F.)

LIBEL FILED: September 5, 1944, District of Columbia.

PRODUCT: Rice: 586 bags, each containing 100 pounds, at Washington, D. C., in the possession of the Terminal Refrigerating and Warehouse Corporation.

This product had been stored, after shipment, under insanitary conditions. Some of the bags had been gnawed by rodents, and rodent excreta and urine stains were observed on the bags. Examination showed that the article contained rodent excreta and moth cocoons.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 12, 1944. The Welfare and Recreational Association of Public Buildings and Grounds, Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released upon the deposit of cash collateral, or under bond, for the segregation of the good portion from the bad, under the supervision of the Food and Drug Administration, the bad portion to be converted by denaturing into animal feed.

6859. Adulteration of sausage binder flour. U. S. v. 20 Bags of Sausage Binder Flour. Default decree of condemnation. Product ordered delivered to a State institution, for use as animal feed. (F. D. C. No. 13986. Sample No. 90371-F.)

LIBEL FILED: October 20, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about August 21, 1944, by the Packer's Supply Co. Memphis, Tenn.

PRODUCT: 20 100-pound bags of sausage binder flour at Little Rock, Ark.

LABEL, IN PART: "Butcher Boy Sausage Binder Milled From Pure Selected Wheat."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and insect fragments.

DISPOSITION: November 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a State institution, for use as animal feed.

6860. Adulteration of sausage binder flour. U. S. v. 2 Barrels of Sausage Binder Flour. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 13987. Sample No. 90372-F.)

LIBEL FILED: On October 20, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about June 30, 1944, by the Dan Perkins Co., from Memphis, Tenn.

PRODUCT: 2 barrels of sausage binder flour, at Little Rock, Ark.

Examination showed that the article contained weevils and insect fragments.

LABEL, IN PART: "Perk. Loaf Binder."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: November 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

6861. Adulteration of cereal binder. U. S. v. 137 Bags of Cereal Binder. Default decree of condemnation. Product ordered delivered to the National Zoological Park, for use as animal feed. (F. D. C. No. 14043. Sample No. 92831-F.)

LIBEL FILED: October 13, 1944, District of Columbia.

PRODUCT: Cereal binder; 137 bags, each containing 140 pounds, at the Terminal Storage Co., Washington, D. C., stored to the account of the Griffith Laboratories, Chicago, Ill.

LABEL, IN PART: (Bags) "Fine Golden Cereal Binder A Kiln Dried Glutinous Product Processed Entirely From Wheat The Griffith Laboratories Chicago, Illinois."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of moths, cocoons, webbing, and insect excreta.

DISPOSITION: November 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Zoological Park, for use as animal feed.

6862. Adulteration of sausage flour. U. S. v. 10 Barrels of Processed Sausage Flour. Default decree of condemnation. Product ordered delivered to a public institution, for use as animal feed. (F. D. C. No. 13953. Sample No. 90370-F.)

LIBEL FILED: October 13, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about August 10, 1944, by the Griffith Laboratories, from Omaha, Nebr.

PRODUCT: 10 barrels of processed sausage flour, at Little Rock, Ark.

LABEL, IN PART: "Griffith's Gelatinous * * * Processed Sausage Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: November 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

6863. Adulteration of wheat. U. S. v. 19,000 Pounds of Wheat in Bulk. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14206. Sample No. 74357-F.)

LIBEL FILED: November 7, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about May 19, 1944, from Minneapolis, Minn.

PRODUCT: Wheat in bulk: 19,000 pounds, stored in an open bin at El Monte, Calif., in the possession of the Poppy Food Products Co.

This product had been stored, after shipment, under insanitary conditions. Rodent pellets were observed on the floor of the bin and in the wheat. Examination showed that the article contained rodent pellets, rodent hairs, beetles, weevils, larvae, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 17, 1944. The Poppy Food Products Co., a corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for sale for animal consumption, under the supervision of the Food and Drug Administration.

6864. Adulteration of wheat bran. U. S. v. 28 Bags of Wheat Bran. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13657. Sample No. 78917-F.)

LIBEL FILED: September 11, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about May 3, 1944, by La Grange Mills, from Red Wing, Minn.

PRODUCT: 28 100-pound bags of wheat bran at Milwaukee, Wis.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, moths, and webbing.

DISPOSITION: September 30, 1944. The Ph. Orth Co., Milwaukee, Wis., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal food, under the supervision of the Food and Drug Administration.

CHOCOLATE, SUGARS, AND RELATED PRODUCTS

CANDY

6865. Adulteration of candy. U. S. v. 27 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 13310. Sample No. 65762-F.)

LABEL FILED: August 8, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about December 31, 1943, by the Ferrara Panned Candy Co., Chicago, Ill.

PRODUCT: 27 boxes of candy at New York, N. Y.

LABEL, IN PART: (Boxes) "320 Count 10 for 5c Chocolate Almonds."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of moths, beetles, larvae, insect excreta, and webbing.

DISPOSITION: September 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6866. Adulteration of candy. U. S. v. 8 Cartons, 20 Cartons, and 14 Cartons of Candy Bars. Consent decree of condemnation and destruction. (F. D. C. No. 12213. Sample Nos. 59090-F to 59092-F, incl.)

LABEL FILED: On or about April 19, 1944, Southern District of West Virginia.

ALLEGED SHIPMENT. On or about March 18, 1944, by Russell Mansfield (jobber for Harris Candy Co., manufacturer), from Richmond, Va.

PRODUCT: 42 cartons, each containing 32 bars of candy, at Charleston, W. Va.

LABEL, IN PART: (Cartons) "Chocolate," or "Fudge"; (bar label) "Fudge Bar * * * Wt. Over One Ounce"; or (cartons) "Peanut"; (bar label) "Nuffed 5¢."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 9, 1944. The consignee, the only interested party, having requested the immediate entry of a decree of condemnation, judgment was entered accordingly and the product was ordered destroyed.

6867. Adulteration of candy. U. S. v. 74 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 14024. Sample No. 63749-F.)

LABEL FILED: October 9, 1944, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about May 19, 1944, by Schingen Candies, Inc., from Philadelphia, Pa.

PRODUCT: 74 boxes, each containing 48 pieces, of candy at Salisbury, N. C. Examination showed the article to be moldy and to have a sour odor and taste.

LABEL, IN PART: "Tourraine Brand Chocolate Covered Ko-Kets."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance and was otherwise unfit for food.

DISPOSITION: November 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6868. Adulteration of candy. U. S. v. 31 Boxes, 78 Boxes, and 197 Boxes of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 12999, 13077. Sample Nos. 68321-F, 68322-F, 68326-F.)

LIBELS FILED: July 20 and 28, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about June 15 and July 6, 1944, by Michael Tenzer, Inc., New York, N. Y.

PRODUCT: 31 boxes, 78 boxes, and 197 boxes, each containing 24 bars, of candy at Cleveland, Ohio.

The 78 boxes and 197 boxes contained mold. In addition, the 78 boxes contained insect excreta. The 31 boxes contained larvae, cocoons, insect excreta, and webbing.

LABEL, IN PART: "Chocolate Sweets-A-Poppin 5¢ Made by Waldies Chocolate Co. Inc. New York, N. Y.," or "Nuts and Fruits 5¢ * * * Mfd. by Waldies Choc. Co. Inc. New York, N. Y."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or filthy and decomposed substance.

DISPOSITION: August 15 and 21, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6869. Adulteration of candy. U. S. v. 29 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 13189. Sample No. 52521-F.)

LIBEL FILED: August 5, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 10, 1944, by R. Zatal Foods, Inc., from Bronx, N. Y.

PRODUCT: 29 cartons, each containing 5 pounds, of candy at Boston, Mass.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6870. Adulteration of licorice candy. U. S. v. 6 Cartons of Candy (and 6 other seizure actions against candy). Decrees of condemnation. Product ordered destroyed. (F. D. C. Nos. 13355, 13392, 13393, 13432, 13433, 13612, 13632. Sample Nos. 36189-F to 36196-F, incl., 50987-F, 77679-F, 78062-F, 78081-F, 84909-F, 85014-F.)

LIBELS FILED: Between August 16 and September 8, 1944, Eastern District of Pennsylvania and District of Colorado.

ALLEGED SHIPMENT: From on or about July 24 to August 12, 1944, by the American Licorice Co., from Chicago, Ill.

PRODUCT: 73 cartons, 134 cases, and 67 boxes, each containing 30 pounds, and 3,839 pounds in cartons, of licorice candy at Lansdowne, Pa., and 327 boxes at Denver, Colo.

LABEL, IN PART: (Portions) "French Briars," "Licorice Snaps," "Big Twist," or "American Cigarettes."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), (all lots) the product consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following: Larvae, insect fragments, insects, rodent hair fragments, and weevils; and, Section 402 (a) (4), (some lots) it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 15 and October 10, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6871. Adulteration and misbranding of candy. U. S. v. 63 Cartons and 28 Boxes of Candy Bars. Default decrees of condemnation and destruction. (F. D. C. Nos. 13734, 14144. Sample Nos. 75633-F, 92003-F.)

LIBELS FILED: September 25, 1944, Southern District of Ohio; October 27, 1944, Western District of New York.

ALLEGED SHIPMENTS: On or about August 8 and September 9, 1944, by Calton Heckerman, from Bedford, Pa.

PRODUCT: 63 cartons, and 28 boxes, each containing 24 bars of candy, at Steubenville, Ohio, and Buffalo, N. Y., respectively.

LABEL, IN PART: "Heckerman's DeLux Bar Five Cents Net Weight 1½ [or "1¼"] Ounces."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), (both lots) the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (b) (4), (Buffalo lot) puffed wheat had been added to the product to increase its bulk and to make it appear better or of greater value than it was, since it had the appearance of a peanut bar.

Misbranding, Section 403 (e) (2), (Steubenville lot) it was food in package form and failed to bear a label containing an accurate statement of the quantity of contents, since the label statement was inaccurate.

DISPOSITION: November 14 and 20, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

COCOA AND MISCELLANEOUS SACCHARINE PRODUCTS

6872. Adulteration and misbranding of cocoa residue. U. S. v. 83 Cases and 59 Bags of Cocoa Residue. Default decrees of condemnation and destruction. (F. D. C. Nos. 13128, 13766. Sample Nos. 71346-F, 71353-F, 71846-F.)

LIBELS FILED: August 7 and October 5, 1944, District of Oregon.

ALLEGED SHIPMENT: Between the approximate dates of April 4 and June 6, 1944, by J. B. Robinson, from Cleveland, Ohio.

PRODUCT: 83 cases, each containing 24 1-pound packages, and 59 bags, each containing 40 pounds, of cocoa residue, at Portland, Oreg.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hairs, and fragments resembling rodent hairs.

Misbranding of portion, 403 (a), the statement on the label, "Cocoa Residue—Contents: Cocoa Residue 7%—Cocoa Fat made from real cocoa bean fiber and shell," and the picture of a steaming cup of what purported to be cocoa were false and misleading as applied to an article containing about 70 percent of cocoa shell and less than 7 percent of fat.

Misbranding of remainder, 403 (a), the statement on the label, "7% Cocoa Fat," was false and misleading as applied to an article containing less than 7 percent of fat.

DISPOSITION: September 18 and November 11, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6873. Adulteration of dextrose sugar. U. S. v. 238 Bags of Dextrose Sugar. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12470. Sample No. 60050-F.)

LIBEL FILED: May 31, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about December 24, 1943, and February 21, 1944, from Kansas City, Mo.

PRODUCT: 238 100-pound bags of dextrose sugar at San Francisco, Calif., in possession of the Central Warehouse and Drayage Co.

The product was stored under insanitary conditions after shipment. Some of the bags had been chewed by rodents and contained rodent pellets and urine stains. Examination of samples showed that the product contained rodent excreta, rodent hairs, and brown-stained lumps with rodent hairs and pellets embedded in them.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 7, 1944. Central Warehouse and Drayage Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, to be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was subsequently segregated and destroyed.

6874. Adulteration of dextrose sugar. U. S. v. 225 Bags of Dextrose Sugar. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13750. Sample No. 89823-F.)

LIBEL FILED: September 27, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about January 10, 1944, from Chicago, Ill.

PRODUCT: 225 bags, each containing 100 pounds, of dextrose sugar at Memphis, Tenn., in possession of the Poston Warehouse Co.

The article was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets were observed on them. Examination showed that the article contained rodent pellets and larvae.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 30, 1944. The Seven-Up Memphis Co., Inc., Memphis, Tenn., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and reconditioned by refining or recrystallization, under the supervision of the Federal Security Agency.

6875. Adulteration of sirup. U. S. v. 70 Barrels of Sirup. Consent decree of condemnation. Product ordered released under bond or upon the deposit of cash collateral. (F. D. C. No. 13219. Sample No. 39861-F.)

LIBEL FILED: August 11, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about June 23, 1944, by J. B. Robinson, Cleveland, Ohio, from Jersey City, N. J.

PRODUCT: 70 barrels of sirup at Los Angeles, Calif.

Analysis showed that the product was in an active state of fermentation.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: September 11, 1944. Colonial Molasses Co., Inc., Jersey City, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond or upon the deposit of cash collateral, to be brought into compliance with the law under the supervision of the Food and Drug Administration.

6876. Adulteration of sirup. U. S. v. 164 Cases and 14 Dozen Bottles of Syrup. Default decrees of condemnation and destruction. (F. D. C. Nos. 12873, 13381. Sample Nos. 52633-F, 75386-F.)

LIBELS FILED: July 7, 1944, District of New Hampshire; August 25, 1944, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about October 12, 1943, and February 9, 1944, by the Ol' South Extract Co., from Rochester, N. Y.

PRODUCT: 164 cases, each containing 12 bottles, of sirup at Moundsville, W. Va., and 14 dozen bottles at Manchester, N. H.

This product was in a state of active fermentation.

LABEL, IN PART: (Bottles) "Ol' South Mapleflo Syrup," or "Ol' South Imitation Butter Pancake Syrup."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: September 5 and 16, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6877. Adulteration of sirup. U. S. v. 68 Barrels of Syrup. Default decree of condemnation. Product ordered delivered to an agricultural college, for use as livestock feed. (F. D. C. No. 13389. Sample No. 64034-F.)

LIBEL FILED: August 29, 1944, Western District of South Carolina.

ALLEGED SHIPMENT: On or about March 28, 1944, by the Waverly Sugar Co., from Waverly, Iowa.

PRODUCT: 68 barrels, each containing about 50 gallons, of sirup at Shelton, S. C.

This product was undergoing active fermentation.

LABEL, IN PART: "Wasco Grain Syrup—'Malt Free'."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to an agricultural college, for use as livestock feed.

6878. Adulteration and misbranding of maple sirup. U. S. v. 10 Cases and 686 Bottles of Syrup. Default decrees of condemnation. Portion of product ordered delivered to charitable institutions; remainder ordered destroyed. (F. D. C. Nos. 13033, 13105. Sample Nos. 52339-F, 81841-F.)

LIBELS FILED: July 24, 1944, District of Massachusetts; August 2, 1944, District of Connecticut.

ALLEGED SHIPMENT: From on or about April 10 to July 12, 1944, by Bruno Scheidt, Inc., from New York, N. Y.

PRODUCT: 10 cases, each containing 24 6-ounce bottles, of maple sirup at Hartford, Conn., and 686 6-ounce bottles of maple sirup at Newton Center, Mass.

LABEL, IN PART: (Bottles) "100% Grade A Pure Vermont Maple Syrup Sap * * * Tiffany Extract Co. * * * Paterson, N. J.," or "Roland 100% Grade A Pure Vermont Maple Syrup * * * Packed for American Roland Food Co., New York, N. Y."

VIOLATIONS CHARGED: Adulteration (all lots), Section 402 (b) (1), a valuable constituent, maple sugar or maple sirup or maple sap, had been in whole or in part omitted from the article; and, Section 402 (b) (2), sugar sirup, containing more than 35 percent water and containing little or no true maple sugar or maple sirup, had been substituted for maple sirup, which the article purported and was represented to be.

Misbranding, Section 403 (a), the statements, (686 bottles) "100% Grade A Pure Vermont Maple Syrup Sap," and the design of a maple leaf and maple trees, or, (10 cases) "100% Grade A Pure Vermont Maple Syrup," on the labeling, were false and misleading as applied to sugar sirup containing more than 35 percent water and containing little or no true maple sugar or maple sirup; Section 403 (c), (686 bottles) this lot was an imitation of another food, maple sirup, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and, Section 403 (i) (2), (all lots) the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: September 5 and 6, 1944. No claimant having appeared, judgments of condemnation were entered and one lot was ordered delivered to charitable institutions and the other lot was ordered destroyed.

6879. Adulteration and misbranding of maple sirup. U. S. v. 36 Cases of Maple Syrup (and 2 other seizure actions against maple sirup). Default decrees of condemnation. Product ordered delivered to charitable institutions. (F. D. C. Nos. 13025, 13026, 13080. Sample Nos. 76230-F to 76232-F, incl., 82168-F.)

LIBELS FILED: On or about July 26 and 31, 1944, Southern District of New York.

ALLEGED SHIPMENT: From on or about March 31 to June 16, 1944, by the Tiffany Extract Co., Paterson, N. J.

PRODUCT: 12 1-gallon cans and 71 cases, each containing 24 6-ounce bottles, of maple sirup at New York, N. Y.

LABEL, IN PART: (Cans) "Pure Vermont MAPLE SYRUP * * * Made and put up by Will A. Chatfield, Bethel, Vermont," (bottles) "100% Grade A Pure Vermont Maple Syrup Sap," or "Roland 100% Grade A Pure Vermont Maple Syrup * * * Packed For American Roland Food Co. New York, N. Y."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, maple sugar or maple sirup or maple sap, had been in whole or in part omitted from the article; and, Section 402 (b) (2), sugar sirup, containing (36 cases) more than 35 percent water and (all lots) containing little or no true maple sugar or maple sirup, had been substituted for maple sirup, which the article purported and was represented to be.

Misbranding, Section 403 (a), the label statements, "100% Grade A Pure Vermont Maple Syrup Sap," and the design of a maple leaf and maple trees, or "100% Grade A Pure Vermont Maple Syrup Sap," and a design of maple trees, or "100% Grade A Pure Vermont MAPLE SYRUP" were false and misleading; Section 403 (c), the article (36 cases and 12 cans) was an imitation of another food, maple sirup, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: Between August 21 and September 27, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered distributed to charitable institutions.

6880. Misbranding of honey. U. S. v. 294 Jars of Honey. Default decree of condemnation. Product ordered delivered to various charitable institutions. (F. D. C. No. 14007. Sample Nos. 76867-F, 76868-F.)

LIBEL FILED: October 7, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about July 6, 1944, by the Evans Honey Co., from Los Angeles, Calif.

PRODUCT: 294 jars of honey at New York, N. Y.

LABEL, IN PART: "Evans Absolutely Pure Honey Net Contents 1 Lb." Examination showed the article to be short-weight.

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product was food in package form and it failed to bear a label containing an accurate statement of the quantity of contents, since the label statement "Net Contents 1 Lb." was inaccurate.

DISPOSITION: November 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to various charitable institutions.

6881. Misbranding of honey. U. S. v. 162 Cases of Honey. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13501. Sample No. 61298-F.)

LIBEL FILED: September 8, 1944, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about October 26, 1943, by the Ro-Mac Packing Co., from Jeanerette, La.

PRODUCT: 162 cases, each containing 24 jars, of honey at Gulfport, Miss.

This product was short-weight.

LABEL, IN PART: "Huasteca Brand Pure Filtered Mexican Honey Net Weight 16 Oz."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product was food in package form and failed to bear a label containing an accurate statement of the quantity of contents, since the label statement "Net Weight 16 Oz." was inaccurate.

DISPOSITION: On October 17, 1944, judgment of condemnation was entered and the product was ordered released under bond to the Roane Packing Co., to be opened and refilled to the proper weight. On November 8, 1944, an amended order was entered providing for the relabeling of the jars so as to reflect their contents correctly, under the supervision of the Food and Drug Administration.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of a decomposed substance as evidenced by mold, Nos. 6882 to 6889; and, it was below the standard for milk fat content, Nos. 6888 to 6899.

6882. Adulteration of butter. U. S. v. 23 Cases (736 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be converted into refined butter oil. (F. D. C. No. 13576. Sample No. 80725-F.)

LIBEL FILED: July 26, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about July 19, 1944, by the Armour Creamery, from Springfield, Mo.

PRODUCT: 23 cases, each containing 32 1-pound prints, of butter at Memphis, Tenn.

Examination of samples showed that this product contained mold.

LABEL, IN PART: "Armour's Cloverbloom Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: August 29, 1944. Armour & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be converted into refined butter oil under the supervision of the Federal Security Agency.

6883. Adulteration of butter. U. S. v. 21 Cases (630 pounds) of Butter. Default decree of condemnation. Product ordered sold to a rendering plant. (F. D. C. No. 12802. Sample No. 72410-F.)

LIBEL FILED: On or about June 5, 1944, Southern District of Illinois.

ALLEGED SHIPMENT: On or about May 26, 1944, by the Aro Creamery Co., from St. Louis, Mo.

PRODUCT: 21 cases, each containing 30 pounds, of butter at Alton, Ill.

Examination showed that the product contained mold.

LABEL, IN PART: "Luer's Creamery Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: August 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to a rendering concern, conditioned that the purchaser denature the product.

6884. Adulteration of butter. U. S. v. 30½ Cases (976 pounds) of Butter. Decree of condemnation. Product ordered released under bond to be converted into refined butter oil. (F. D. C. No. 13858. Sample No. 79708-F.)

LIBEL FILED: September 1, 1944, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about August 23, 1944, by the Fairmont Creamery Co., from Columbus, Ohio.

PRODUCT: 30½ cases, each containing 32 1-pound cartons, of butter at Parkersburg, W. Va.

Analysis showed that the product contained mold.

LABEL, IN PART: (Wrapper) "Fairmont's Better Brand Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: September 25, 1944. The Fairmont Creamery, claimant, having admitted that the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond, to be converted into refined butter oil under the supervision of the Food and Drug Administration.

6885. Adulteration of butter. U. S. v. 151 Boxes (9,513 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be converted into refined butter oil. (F. D. C. No. 13859. Sample Nos. 54733-F, 86901-F.)

LIBEL FILED: August 25, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: July 5, 1944, by the King City Creamery Co., from King City, Mo.

PRODUCT: 151 boxes, each containing 63 pounds, of butter at Chicago, Ill.

Examination of samples showed that this product contained mold.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: September 13, 1944. L. D. Schreiber & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be converted into refined butter oil under the supervision of the Food and Drug Administration.

6886. Adulteration of butter. U. S. v. 13 Cases (344 pounds) and 12 Cases (360 pounds) of Butter. Consent decrees of condemnation. Product ordered released under bond to be converted into butter oil. (F. D. C. Nos. 13145, 13147. Sample Nos. 67790-F, 67887-F, 67888-F.)

LIBELS FILED: On or about June 9 and July 6, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 26 and June 30, 1944, by the Napoleon Creamery Co., Napoleon, Ind.

PRODUCT: 12 30-pound cases, 1 26-pound case, 5 30-pound cases, and 7 24-pound cases, of butter at Cincinnati, Ohio.

Samples of this product were found to contain mold.

LABEL, IN PART: (One portion, parchment wrapper) "Country Style Butter
* * * Distributed by Countryside Farm Products Co. * * * Cincinnati, Ohio."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: July 13, 1944. Napoleon Creameries, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be converted into butter oil under the supervision of the Food and Drug Administration.

6887. Adulteration of butter. U. S. v. 6 Cases (192 pounds) of Butter. Default decree of condemnation. Product ordered delivered to a rendering plant. (F. D. C. No. 13151. Sample No. 68319-F.)

LIBEL FILED: June 28, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about June 16, 1944, by Swift & Co., Keokuk, Iowa.

PRODUCT: 6 cases, each containing 32 pounds, of butter at Cleveland, Ohio.

Analysis showed this product to have a high mold mycelia count.

LABEL, IN PART: (Print wrappers) "Glenwood Creamery Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: July 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a rendering plant, to be utilized in furtherance of the war effort.

6888. Adulteration of butter. U. S. v. 129 Cases, 26 Cases, and 200 Cases of Butter. Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 13140, 13141, 14360. Sample Nos. 61710-F, 61711-F, 61714-F, 90046-F.)

LIBELS FILED: June 17 and 21, 1944, Eastern District of Louisiana; October 16, 1944, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about May 27, June 11, and July 28, 1944, by the Sugar Creek Creamery, from Russellville, Ark., and Cape Girardeau, Mo.

PRODUCT: 129 cases and 26 cases, each containing 32 1-pound cartons, 4 ¼-pound prints in each carton, of butter at New Orleans, La., and 200 cases, each containing 62 pounds, of butter, at National Stock Yards, Ill.

The portion at New Orleans contained mold.

LABEL, IN PART: (Portion—retail carton) "Velva Brand Creamery Butter Distributed by H. G. Hill Stores, New Orleans, La.," (portion—retail carton) "Cudahy's SUNLIGHT Creamery Butter * * * The Cudahy Packing Co. Distributors."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), (New Orleans lots) the product consisted in whole or in part of a decomposed animal substance; and, Section 402 (b) (2), (National Stock Yards lot) a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 2 and November 16, 1944. Sugar Creek Creamery Co., a corporation, Danville, Ill., having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, the lots at New Orleans for refining into butter oil, and the remaining lot for reworking, under the supervision of the Food and Drug Administration.

6889. Adulteration of butter. U. S. v. 145 Cartons (8,700 pounds) of Butter (and 1 other seizure action against butter). Consent decrees of condemnation. Portion of product ordered used for industrial or war purposes; remainder ordered released under bond, to be converted into butter oil. (F. D. C. Nos. 10806, 14356. Sample Nos. 44693-F, 82515-F, 82525-F.)

LIBELS FILED: On or about September 15, 1943, and September 31, 1944, Eastern District and Southern District of New York.

ALLEGED SHIPMENT: On or about September 9, 1943, and May 31, 1944, by South Mountain Dairies, Inc., Middletown, Md.

PRODUCT: 145 cartons, each containing approximately 60 pounds, of butter, at New York, N. Y., and 24 63-pound tubs and 6 60-pounds cartons of butter, at Brooklyn, N. Y.

Examination of samples showed that this product contained mold.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), (both lots) the product consisted in whole or in part of a filthy, putrid, or decomposed substance; and, Section 402 (b) (2), (one lot) a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 10, 1944. The Sunnysdale Ice Cream Co., Brooklyn, N. Y., claimant for one lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to a rendering plant, for salvaging of the fat for industrial or war purposes. On October 21, 1944, Penn Blue Ridge Dairies, New York, N. Y., claimant for the remaining lot, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be converted into butter oil.

6890. Adulteration of butter. U. S. v. 13 Cases (416 pounds) and 78 Cubes (4,524 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 13866. Sample Nos. 75552-F, 75553-F, 75566-F, 75577-F.)

LIBEL FILED: August 24, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 13, 1944, by the Blue Valley Creamery Co., from Parsons, Kans.

PRODUCT: 13 32-pound cases and 78 58-pound cubes of butter at Pittsburgh, Pa.
LABEL, IN PART: (Portion, wrappers) "Meadow Gold Butter * * * Distributed by Beatrice Creamery Company * * * Chicago, Illinois," (shipping cartons) "Meadow Gold * * * Print Butter Distributed by Blue Valley Creamery."

VIOLATION CHARGED: Adulteration, Section 402 (b), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 12, 1944. Meadow Gold Dairies, Inc., Pittsburgh, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the Food and Drug Administration be permitted to withdraw samples from a portion of the product, and that the remainder be released to the claimant under bond to be reworked.

6891. Adulteration and misbranding of butter. U. S. v. 115 Cubes (7,360 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 13155. Sample No. 70874-F.)

LIBEL FILED: On or about July 10, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about June 30, 1944, by the Bottineau Cooperative Creamery, from Bottineau, N. Dak.

PRODUCT: 115 cubes, each containing 64 pounds, of butter at Seattle, Wash.

VIOLATIONS CHARGED: Adulteration, Section 402 (b)(2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Sections 403 (e)(1) and (2), the article was food in package form and did not bear a label stating the name and place of business of the manufacturer, packer, or distributor, and did not bear an accurate statement of the quantity of contents; and, Section 403 (i)(1), it did not bear a statement of the common or usual name of the food.

DISPOSITION: On or about July 13, 1944. The Bottineau Cooperative Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, for reworking under the supervision of the Food and Drug Administration.

6892. Adulteration of butter. U. S. v. 13 Boxes (180 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 12393. Sample No. 67463-F.)

LIBEL FILED: April 20, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about April 4, 1944, by the Breda Creamery Co., Breda, Iowa.

PRODUCT: 13 60-pound boxes of butter at Cleveland, Ohio.

LABEL, IN PART: (Box) "Butter Sold by STONEHILL CR'Y Cleveland, Ohio."

VIOLATION CHARGED: Adulteration, Section 402 (b)(2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 28, 1944. The Stonehill Creamery Co., Cleveland, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be reworked under the supervision of the Food and Drug Administration.

6893. Adulteration of butter. U. S. v. 10 Cartons (320 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 13163. Sample No. 81799-F.)

LIBEL FILED: July 1, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about June 18, 1944, by the Falls City Creamery Co., from Falls City, Nebr.

PRODUCT: 10 cartons, each containing approximately 32 pounds, of butter at New York, N. Y.

LABEL, IN PART: (¼-pound prints) "Quality Brand Butter."

VIOLATION CHARGED: Adulteration, Section 402 (b)(2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 20, 1944. The S. & S. Butter & Egg Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, for reworking under the supervision of the Food and Drug Administration.

6894. Adulteration of butter. U. S. v. 14 Cubes (882 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 13592. Sample No. 68532-F.)

LIBEL FILED: On or about August 5, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 31, 1944, by the Linwood Creamery Co., Wichita, Kans.

PRODUCT: 14 63-pound cubes of butter at Cincinnati, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 15, 1944. The Merchants Creamery Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be reworked under the supervision of the Food and Drug Administration.

6895. Adulteration of butter. U. S. v. 14 Boxes (952 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 13873. Sample Nos. 82506-F, 87416-F.)

LIBEL FILED: August 30, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about August 19, 1944, by the Little Sioux Creamery, Spencer, Iowa.

PRODUCT: 14 boxes, each containing approximately 68 pounds, of butter at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 21, 1944. Vita Egg Farms, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be reworked under the supervision of the Food and Drug Administration.

6896. Adulteration of butter. U. S. v. 39 Cubes (2,652 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 13154. Sample Nos. 70841-F, 70842-F.)

LIBEL FILED: On or about May 22, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about May 9, 1944, by the Northwestern Distributing Co., from Billings, Mont.

PRODUCT: 39 68-pound cubes of butter at Seattle, Wash.

LABEL, IN PART: "Wash. Cry Co., Seattle, Wash."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 9, 1944. The Northwestern Distributing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be reworked under the supervision of the Food and Drug Administration.

6897. Adulteration of butter. U. S. v. 12 Boxes (168 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 13874. Sample Nos. 82503-F, 87419-F.)

LIBEL FILED: August 30, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about August 14, 1944, by the Romona Cooperative Creamery Co., Ramona, S. Dak.

PRODUCT: 12 boxes, each containing approximately 64 pounds, of butter at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 13, 1944. The Farmers Cooperative Creamery, Ramona, S. Dak., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be reworked under the supervision of the Food and Drug Administration.

6898. Adulteration of butter. U. S. v. 7 Cartons (476 pounds) of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13156. Sample No. 73343-F.)

LIBEL FILED: May 31, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about May 13, 1944, by the Shippers Cooperative, Inc., from Alexandria, Minn.

PRODUCT: 7 68-pound cartons of butter at San Francisco, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 7, 1944. Nye & Nissen, Inc., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, to be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was subsequently reworked.

6899. Adulteration of butter. U. S. v. David D. Sorensen (Sorensen Creameries). Plea of guilty. Fine of \$1000, and defendant placed on probation for 18 months. (F. D. C. No. 10613. Sample Nos. 8527-F, 45379-F.)

INDICTMENT RETURNED: June 8, 1944, District of South Dakota, against David D. Sorensen, trading as Sorensen Creameries, Big Stone City, S. Dak.

ALLEGED SHIPMENT: From on or about July 8 to July 12, 1943, from the State of South Dakota into the State of New York.

LABEL, IN PART: "Butter Breakstone Bros., Inc. Distributors New York, N. Y."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 27, 1944. A plea of guilty was entered, and the defendant was fined \$1000 and placed on probation for a period of 18 months.

CHEESE

6900. Adulteration of cheese. U. S. v. 93 Boxes of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 13279. Sample No. 40474-F.)

LIBEL FILED: August 19, 1944, Western District of Michigan.

ALLEGED SHIPMENT: On or about August 1, 1944, by the Dairy Products Marketing Association, from Platteville, Wis.

PRODUCT: 93 boxes of Cheddar cheese at Muskegon, Mich.

LABEL, IN PART: "2780 No. 2 Iowa 78¾ June 27A (or other weights and dates)."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and manure fragments.

DISPOSITION: September 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6901. Adulteration of Italian type cheese. U. S. v. 15 Barrels of Italian Type Cheese. Default decree of condemnation and destruction. (F. D. C. No. 11735. Sample No. 57586-F.)

LIBEL FILED: February 2, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about December 28, 1943, by Gloria Cheese Co., from Bangor, Maine.

PRODUCT: 15 barrels of Italian type cheese at Brooklyn, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance since it contained rodent hair fragments and was partially decomposed.

DISPOSITION: April 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6902. Adulteration and misbranding of Cheddar cheese. U. S. v. 25 Daisies of Cheddar Cheese. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13291. Sample No. 68526-F.)

LIBEL FILED: August 21, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 12 and 25, 1944, by Swift & Co., Marion Ind.

PRODUCT: 25 daisies, each containing 21 pounds, of Cheddar cheese at Cincinnati, Ohio.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), an article deficient in milk fat had been substituted in whole or in part for Cheddar cheese.

Misbranding, Section 403 (g) (1), it purported to be and was represented as Cheddar cheese, a food for which a definition and standard of identity has been prescribed by regulations promulgated pursuant to law, but it failed to conform to such definition and standard since it contained, in its solids, less than 50 percent of milk fat.

DISPOSITION: September 13, 1944. Swift & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be manufactured into processed cheese under the supervision of the Food and Drug Administration.

6903. Adulteration and misbranding of Cheddar Cheese. U. S. v. 74 Daisies of Cheddar Cheese. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13167. Sample Nos. 60988-F, 61517-F.)

LIBEL FILED: August 5, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 1, 1944, by the Tuell Dairy Co., from Columbia, Tenn.

PRODUCT: 74 daisies of Cheddar cheese at New Orleans, La.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), an article deficient in milk fat had been substituted in whole or in part for Cheddar cheese, which the article purported and was represented to be.

Misbranding, Section 403 (e) (1), it was food in package form and failed to bear a label stating the name and place of business of the manufacturer, packer or distributor; and, Section 403 (g) (1), it purported to be and was represented as Cheddar cheese, a food for which a definition and standard of identity has been prescribed by regulations, but it failed to conform to such definition and standard since its solids contained less than 50 percent of milk fat.

DISPOSITION: September 2, 1944. The Tuell Dairy Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be used in the manufacture of legal process cheese, under the supervision of the Food and Drug Administration.

OLEOMARGARINE

6904. Adulteration of oleomargarine. U. S. v. 201 Cases and 300 Cases of Oleomargarine. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. No. 11967. Sample No. 49651-F.)

LIBELS FILED: March 6, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about February 2, 1943, by the Cudahy Packing Co., Wichita, Kans.

PRODUCT: 501 cases, each containing 32 1-pound packages, of oleomargarine at Rochester, N. Y.

LABEL, IN PART: "Cudahy's Maybelle * * * Oleomargarine."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rancid oleomargarine.

DISPOSITION: July 20, 1944. Wegman's Food Markets, Inc., Rochester, N. Y., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, to be sold to a rendering plant for use as waste fat under the supervision of the Food and Drug Administration.

6905. Adulteration and misbranding of oleomargarine. U. S. v. 32 Cases of Oleomargarine. Default decree of condemnation. Product ordered delivered to an Army hospital. (F. D. C. No. 11140. Sample No. 61022-F.)

LIBEL FILED: November 18, 1943, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 13, 1943, by the Interstate Cotton Oil Refining Co., from Sherman, Tex.

PRODUCT: 32 cases, each containing 12 1-pound cartons, of oleomargarine at New Orleans, La.

LABEL, IN PART: (Cartons) "BLUE PLATE * * * Vegetable OLEOMARGARINE. Prepared For Blue Plate Foods, Inc. New Orleans, La."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent of fat had been substituted for oleomargarine, a product which should contain not less than 80 percent of fat.

Misbranding, Section 403 (g) (1), the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, but it failed to conform to such definition and standard.

DISPOSITION: May 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local Army hospital, for consumption on the premises.

6906. Adulteration and misbranding of oleomargarine. U. S. v. 19 Cartons of Oleomargarine. Default decree of condemnation and destruction. (F. D. C. No. 11680. Sample No. 54609-F.)

LIBEL FILED: January 28, 1944, Northern District of Indiana.

ALLEGED SHIPMENT: On or about December 9, 1943, by the B. S. Pearsall Butter Co., Elgin, Ill.

PRODUCT: 19 cartons, each containing 20 1-pound packages, of oleomargarine at Hammond, Ind.

LABEL, IN PART: (Packages) "Elgin Vegetable Oleomargarine."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent fat had been substituted for oleomargarine.

Misbranding, Section 403 (g) (1), the article purported to be and was represented as oleomargarine, a food for which a definition and standard of identity has been prescribed by regulations, but it failed to conform to such definition and standard since it failed to contain 80 percent fat; and, Section 403 (k), the article contained artificial coloring and failed to bear labeling stating that fact.

DISPOSITION: May 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

EGGS AND EGG PRODUCTS

6907. Alleged adulteration of dried whole eggs. U. S. v. 4 Barrels and 103 Barrels of Dried Whole Eggs. Tried to the court. Judgment of dismissal entered; affirmed on appeal. (F. D. C. Nos. 8713, 9162. Sample Nos. 4097-F to 4100-F, incl., 32742-F.)

LIBELS FILED: December 29, 1942, and January 23, 1943, Southern District of Indiana.

PRODUCT: 107 175-pound barrels of dried whole eggs at Indianapolis, Ind., alleged to have been introduced into interstate commerce as the result of the following transaction: On or about March 31, 1942, the Mid-State Frozen Egg Corporation, Indianapolis, Ind., as vendor, contracted with the Federal Surplus Commodities Corporation for the Lend-Lease export sale of 406 175-pound barrels of dried whole eggs. Pursuant to the terms of the contracts, the vendor segregated and identified the eggs in the barrels for shipment, and submitted representative samples thereof to the vendee for analysis. The 107 barrels of eggs referred to above were rejected, and the remainder of the barrels were delivered for shipment.

VIOLATION CHARGED. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: On June 26, 1943, the Mid-State Frozen Egg Corporation having filed its claim and answer denying that the article had been introduced into interstate commerce, and the cases having been consolidated, the court handed down findings of fact and conclusions of law to the effect that the article had not been introduced into interstate commerce, nor was it in interstate commerce, either at the time of seizure or at any time prior or subsequent thereto. On the same day, judgments were entered ordering that the cases be dismissed for want of jurisdiction. Thereafter, the Government perfected an appeal to the United States Circuit Court of Appeals for the Seventh Circuit, and on March 15, 1944, a decision was handed down by that court, affirming the decision of the district court on the ground that no substantial differences of fact appeared in the records of the instant cases and the case of U. S. v. 7 Barrels of Dried Whole Eggs (Food Notice of Judgment No. 5677), and that the decision in the latter case was controlling in the instant cases.

6908. Adulteration of frozen whole eggs. U. S. v. 507 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13074. Sample No. 1483-F.)

LIBEL FILED: On or about August 7, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 27, 1944, by the Peter Fox Sons Co., from Watertown, S. Dak.

PRODUCT: 507 cans, each containing approximately 30 pounds, of frozen whole eggs at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 22, 1944. The Peter Fox Sons Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, for segregation of the fit from the unfit portion under the supervision of the Food and Drug Administration. On September 26, 1944, an amendment was made to the decree ordering that the unfit portion be denatured or destroyed.

6909. Adulteration of frozen whole eggs. U. S. v. 870 Cans of Frozen Whole Eggs. Default decree of destruction. (F. D. C. No. 13001. Sample No. 40155-F.)

LIBEL FILED: July 21, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about June 13, 1944, by the Grand Rapids Egg Exchange, Grand Rapids, Mich.

PRODUCT: 870 cans, each containing 30 pounds, of frozen whole eggs, at Minneapolis, Minn.

Examination showed the product to be sour, putrid, and moldy.

LABEL, IN PART: (Cans) "Farm View Eggs * * * Frozen Fresh Whole."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid and decomposed substance.

DISPOSITION: September 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6910. Adulteration of frozen whole eggs. U. S. v. 111 Cans of Frozen Whole Eggs. Consent decree of condemnation and destruction. (F. D. C. No. 13288. Sample No. 66859-F.)

LIBEL FILED: August 30, 1944, District of Kansas.

ALLEGED SHIPMENT: On or about June 22, 1944, by Tyson Produce, Sioux City, Iowa.

PRODUCT: 111 cans, each containing 30 pounds, of frozen whole eggs, at Kansas City, Kans.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: September 2, 1944. The owner of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed. Destruction of the product was effected by its delivery to a rendering plant, for use in tankage.

6911. Adulteration of dried egg albumen. U. S. v. 29 Barrels, 12 Barrels, and 10 Barrels of Dried Egg Albumen. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13437. Sample No. 81233-F.)

LIBEL FILED: August 28, 1944, Eastern District of Oklahoma.

ALLEGED SHIPMENT: On or about May 18 and 29, and June 15, 1944, by the Domestic Egg Products Co., Wichita Falls, Tex.

PRODUCT: 29 barrels, each containing 225 or 175 pounds, and 22 barrels, each containing 200 pounds, of dried egg albumen, at Chickasha, Okla.

LABEL, IN PART: "Fine Flake," or "Flake A," or "Flake A-1."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 3, 1944. The Domestic Egg Products Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, to be destroyed for food purposes, under the supervision of the Food and Drug Administration, and disposed of for technical purposes in the production of products not for human consumption.

FISH, SHELLFISH, AND SEA-FOOD PRODUCTS

6912. Adulteration of canned croakers. U. S. v. 9 Cases of Canned Fish. Default decree of condemnation and destruction. (F. D. C. No. 13192. Sample Nos. 28892-F, 28898-F.)

LIBEL FILED: August 8, 1944, Southern District of Georgia.

ALLEGED SHIPMENT: On or about November 10 or 16, 1943, by the Daylight Grocery Co., from Jacksonville, Fla.

PRODUCT: 9 cases, each containing 48 14-ounce cans, of canned fish, at Black-shear, Ga.

LABEL, IN PART: (Can) "A Deep Sea Product * * * Atlantic Ocean Fish Croaker * * * Gale & Company Palatka, Fla. Packers."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed fish.

DISPOSITION: September 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6913. Adulteration of salt herring. U. S. v. 816 Cases of Herring (and 2 other seizure actions against herring). Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 12108, 12651, 12660. Sample Nos. 35057-F, 52851-F, 63518-F.)

LIBELS FILED: Between March 30 and June 16, 1944, Middle and Northern Districts of Georgia and Eastern District of Virginia.

ALLEGED SHIPMENT: From on or about October 15, 1943, to March 4, 1944, by the B. A. Griffin Co., Inc., from Boston, Mass.

PRODUCT: 816 cases of salt herring at Norfolk, Va., 175 cases at Athens, Ga., and 100 cases at LaGrange, Ga., each case containing 6 5-pound cans.

LABEL, IN PART: (Cans) "Griffin's Jumbo River Roe Herring."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 7 and 10, 1944. No claimant having appeared for the Athens and the LaGrange lots, judgments of condemnation were entered and the product was ordered destroyed. On August 15, 1944, the B. A. Griffin Co., Inc., claimant for the Norfolk lot, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

6914. Adulteration of salt herring. U. S. v. 36 Cans of Herring. Default decree of condemnation and destruction. (F. D. C. No. 12652. Sample No. 35058-F.)

LIBEL FILED: June 10, 1944, Middle District of Georgia.

ALLEGED SHIPMENT: On or about March 1, 1944, by the Quincy Market Cold Storage Co., from Boston, Mass.

PRODUCT: 36 5-pound cans of salt herring at Athens, Ga.

LABEL, IN PART: (Cans) "Griffin's Jumbo River Roe Herring * * * Packed by B. A. Griffin Co., Inc., Milwaukee, Wis."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6915. Misbranding of canned crab meat. U. S. v. Bjelland, Lange & Co., Inc. Plea of Guilty. Fine, \$500. (F. D. C. No. 10583. Sample Nos. 17426-F, 17427-F.)

INFORMATION FILED: August 25, 1944, Southern District of New York, against Bjelland, Lange & Co., Inc., New York, N. Y.

ALLEGED SHIPMENT: On or about May 25, 1942, from the State of Illinois into the State of New York.

LABEL, IN PART: "KING Brand * * * FANCY QUALITY DEEP SEA CRAB MEAT * * * Packed in Siberia, Soviet Russia."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement, "Packed in SIBERIA, SOVIET RUSSIA," was false and misleading since the article had been packed in Japan; and, Section 301 (k), the defendant, while the article was held for sale after shipment in interstate commerce, caused the article to be relabeled, which action resulted in the above-mentioned misbranding.

DISPOSITION: September 25, 1944. A plea of guilty was entered, and the defendant was fined \$500.

6916. Adulteration of frozen shrimp. U. S. v. 11 Boxes and 14 Boxes of Frozen Shrimp. Default decrees of condemnation and destruction. (F. D. C. Nos. 14034, 14092. Sample Nos. 82016-F, 82017-F.)

LIBELS FILED: October 16 and 27, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about September 11, 1944, by the Patterson Shrimp Co., Patterson, La., and the Pacetti Fish Co., E. J. Pacetti, and Herbert Pacetti, Morgan City, La.; and on or about September 13, 1944, by the Patterson Shrimp Co., Patterson, La.

PRODUCT: 11 boxes, containing approximately 1,544 pounds, and 14 boxes, containing 1,314 pounds, of frozen shrimp at New York, N. Y.

LABEL, IN PART: (Boxes) "PRAWN B'klyn Bridge Freez & Cold Stor Co N. Y. C. 14501 [or "14515"] Recd 9 15 44."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 8 and 18, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6917. Adulteration of swordfish livers. U. S. v. 7 Cans of Swordfish Livers. Default decree of condemnation and destruction. (F. D. C. No. 13404. Sample No. 88084-F.)

LIBEL FILED: August 28, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 9 and 10, 1944, by Earl A. Smith, from Block Island, R. I., to Boston, Mass. Product reshipped from Boston, Mass., to Gloucester, Mass.

PRODUCT: 7 cans, containing a total of approximately 150 pounds, of swordfish livers at Gloucester, Mass.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES*

DRIED FRUIT

6918. Adulteration of dried prunes. U. S. v. 5,400 Cases of Prunes (and 1 other seizure action against prunes). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 13483, 13485. Sample Nos. 75434-F, 75436-F, 75437-F.)

LIBELS FILED: September 1, 1944, Western District of New York.

ALLEGED SHIPMENTS: Between on or about December 14, 1943, and January 20, 1944, by California Packing Corporation, Plants Nos. 51 and 58, from San Jose, and Fruitvale, Calif.

PRODUCT: 5,400 cases and 1,980 cases, each containing 25 pounds, of dried prunes at Rochester, N. Y.

LABEL, IN PART: "Del Monte Brand Santa Clara [or "Comet Brand California"] Prunes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, cocoons, and insect excreta.

DISPOSITION: October 23, 1944. Harold H. Clapp, Inc., Rochester, N. Y., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, for the purpose of distillation under the supervision of the Food and Drug Administration.

* See also No. 6806.

6919. Adulteration of dried prunes. U. S. v. 2,500 Boxes of Prunes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13484. Sample No. 75435-F.)

LIBEL FILED: September 1, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about January 31, 1944, by Guggenlime & Co., from Fresno, Calif.

PRODUCT: 2,500 boxes, each containing 25 pounds, of dried prunes at Rochester, N. Y.

LABEL, IN PART: "Daphne Brand 60-70 Prunes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, cocoons, and insect excreta.

DISPOSITION: October 23, 1944. Harold H. Clapp, Inc., Rochester, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, for the purpose of distillation under the supervision of the Food and Drug Administration.

6920. Adulteration of dried prunes. U. S. v. 5,676 Boxes of Prunes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13486. Sample Nos. 75438-F, 75439-F.)

LIBEL FILED: September 1, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about January 15 and 18, 1944, by J. S. Roberts, from San Jose, Calif.

PRODUCT: 5,676 boxes, each containing 25 pounds, of dried prunes at Rochester, N. Y.

LABEL, IN PART: "Sun-Clad Santa Clara Prunes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, cocoons, and insect excreta.

DISPOSITION: October 23, 1944. Harold H. Clapp, Inc., Rochester, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the purpose of distillation under the supervision of the Food and Drug Administration.

6921. Adulteration of raisins. U. S. v. 81 Boxes of Raisins. Default decree of condemnation. Product ordered delivered to the National Zoological Park, for use as animal feed. (F. D. C. No. 14319. Sample No. 92832-F.)

LIBEL FILED: October 26, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about October 20, 1943, by the H. L. Albers Co., from Baltimore, Md.

PRODUCT: 81 boxes, each containing 25 pounds, of seedless raisins at Washington, D. C.

LABEL, IN PART: "Selmor Brand Choice Thompson Seedless Raisins."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, ants, insect fragments, and insect excreta.

DISPOSITION: November 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park, Washington, D. C., for use as animal feed.

6922. Adulteration of raisins. U. S. v. 72 Cases and 503 Cases of Raisins. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13460. Sample Nos. 90385-F, 90386-F.)

LIBELS FILED: August 29, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 8 and February 7, 1944, by the California Raisin Co., from Fowler, Calif.

PRODUCT: 72 cases and 503 cases, each containing 25 pounds, of raisins at St. Louis, Mo.

LABEL, IN PART: (Cases) "Sun King Midget [or "Choice"] Thompson Seedless Raisins."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: October 11, 1944. The St. Louis Bakers' Cooperative Association having admitted the allegations of the libels, the actions were consolidated and a judgment of condemnation was entered. The product was ordered released under bond, the good portion to be converted into distilled spirits under the supervision of the Alcohol Tax Unit and the Food and Drug Administration, and the unfit portion to be destroyed or denatured for non-human consumption.

6923. Adulteration of raisins. U. S. v. 20 Cases of Raisins. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13459. Sample No. 90384-F.)

LIBEL FILED: August 29, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 22, 1944, by the Consolidated Packing Co., from Fresno, Calif.

PRODUCT: 20 cases, each containing 30 pounds, of raisins at St. Louis, Mo.

LABEL, IN PART: (Cases) "Honey Bunch Custom Grade Thompson Seedless Raisins."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: October 11, 1944. The St. Louis Bakers' Cooperative Association having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, the good portion to be converted into distilled spirits under the supervision of the Alcohol Tax Unit and the Food and Drug Administration, and the unfit portion to be destroyed or denatured for non-human consumption.

6924. Adulteration of raisins. U. S. v. 30 Cases of Raisins. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13461. Sample No. 90387-F.)

LIBEL FILED: August 29, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 1, 1944, by Guggenhime Co., from Fresno, Calif.

PRODUCT: 30 cases, each containing 30 pounds, of raisins at St. Louis, Mo.

LABEL, IN PART: (Cases) "Mission Brand Raisins Choice Thompson Seedless."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: October 11, 1944. The St. Louis Bakers' Cooperative Association having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, the good portion to be converted into distilled spirits under the supervision of the Alcohol Tax Unit and the Food and Drug Administration, and the unfit portion to be destroyed or denatured for non-human consumption.

6925. Adulteration of raisins. U. S. v. 43 Cases of Raisins. Decrees of condemnation. Portion of product ordered released under bond; remainder ordered denatured and delivered to a charitable institution, for use as animal food. (F. D. C. Nos. 13116, 13460-A. Sample Nos. 61352-F, 90385-F.)

LIBELS FILED: August 1 and 29, 1944, Southern District of Texas and Eastern District of Missouri.

ALLEGED SHIPMENT: Between on or about December 30, 1943, and April 29, 1944, by Rosenberg Brothers & Co., from Fresno, Calif.

PRODUCT: 43 cases, each containing 48 15-ounce packages, of raisins at Houston, Tex., and 503 cases, each containing 25 pounds, at St. Louis, Mo.

LABEL, IN PART: "Fruit Cake Brand Golden [or "Sun King Choice Thompson"] Seedless Raisins."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, pupae, and insect fragments.

DISPOSITION: October 11, 1944. The St. Louis Bakers' Cooperative Association having appeared as claimant for the lot at St. Louis, judgment of condemnation was entered and the product was ordered released under bond, the good portion to be converted into distilled spirits under the supervision

of the Alcohol Tax Unit and the Food and Drug Administration, and the unfit portion to be destroyed or denatured for non-human consumption. On or about October 2, 1944, no claimant having appeared for the lot at Houston, judgment of condemnation was entered and the product was ordered denatured and delivered to a charitable institution, for use as animal food.

6926. Adulteration of dried raspberries. U. S. v. 16 Cartons of Evaporated Raspberries. Default decree of condemnation and destruction. (F. D. C. No. 13655. Sample No. 75863-F.)

LIBEL FILED: September 11, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 13, 1944, by the H. A. Johnson Manufacturing Co., from Rochester, N. Y.

PRODUCT: 16 25-pound cartons of evaporated black raspberries at Warren, Pa.

LABEL, IN PART: "Fancy New York State Evaporated Black Raspberries Hartmann Dried Fruit Co. Inc. Macedon N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: November 10, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRESH FRUIT

6927. Adulteration of apples. U. S. v. 33 Bushels of Apples. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 13995. Sample No. 90230-F.)

LIBEL FILED: August 23, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 4, 1944, by Emil Klaas, from Batchtown, Ill.

PRODUCT: 33 bushels of apples at St. Louis, Mo.

LABEL, IN PART: "Wealthey * * * Cicardi Bros. Fruit & Produce Co. St. Louis, Mo."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the article contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: September 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, conditioned that the apples be cored and peeled under the supervision of the Food and Drug Administration.

6928. Adulteration of apples. U. S. v. 22 Baskets of Apples. Default decree of condemnation. Product ordered delivered to a charitable organization. (F. D. C. No. 13865. Sample No. 72192-F.)

LIBEL FILED: September 11, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 11, 1944, by Pearl Kroeschel, from Batchtown, Ill.

PRODUCT: 22 1-bushel baskets of apples at St. Louis, Mo.

LABEL, IN PART: "Jonathan."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained lead, which may have rendered it injurious to health.

DISPOSITION: November 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization, conditioned that the apples be peeled and all peelings and cores destroyed under the supervision of the Food and Drug Administration, so that the product would be fit for use as food.

6929. Adulteration of apples. U. S. v. 10 Bushels and 29 Bushels of Apples. Default decrees of condemnation. Product ordered delivered to charitable institutions. (F. D. C. Nos. 13862, 13863. Sample Nos. 89715-F, 90259-F.)

LIBELS FILED: On or about September 5 and 6, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 31, 1944, by Clarence Ringhausen, from Jerseyville, Ill.

PRODUCT: 10 bushels and 29 bushels of apples in baskets, at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: October 4 and November 2, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions, for consumption after peeling, all peelings and cores to be destroyed under the supervision of the Food and Drug Administration.

6930. Adulteration of apples. U. S. v. 81 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 14580. Sample No. 96358-F.)

LIBEL FILED: October 23, 1944, Southern District of Iowa.

ALLEGED SHIPMENT: On or about October 13, 1944, by the Shafton Co., from Benton Harbor, Mich.

PRODUCT: 81 bushels of Grimes Golden Apples at Des Moines, Iowa.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: November 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6931. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13868. Sample No. 88269-F.)

LIBEL FILED: August 25, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 24, 1944, by Margaret Gardner, or Lee Gardner, from Stoddard, N. H.

PRODUCT: 3 crates, each containing 24 quarts, and 2 crates, each containing 32 quarts, of blueberries at Boston, Mass. Analysis showed that the product was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: September 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6932. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13869. Sample No. 88270-F.)

LIBEL FILED: August 26, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 25, 1944, by Gay Bros., from Jonesboro, Maine.

PRODUCT: 4 crates, each containing 24 quarts, of blueberries at Boston, Mass. Analysis showed that the product was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: September 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6933. Adulteration of blueberries. U. S. v. 21 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13588. Sample No. 88306-F.)

LIBEL FILED: August 10, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 10, 1944, by Malcolm Harrington, from Laconia, N. H.

PRODUCT: 21 crates, each containing 24 quarts, of blueberries at Boston, Mass. Analysis of samples showed that the product was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: September 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6934. Adulteration of blueberries. U. S. v. 8 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13586. Sample No. 88308-F.)

LIBEL FILED: August 10, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 10, 1944, by Fred Hill, from Alton, N. H.

PRODUCT: 8 crates, each containing 24 quarts, of blueberries, at Boston, Mass. Analysis showed that the product was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: September 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6935. Adulteration of blueberries. U. S. v. 21 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13594. Sample No. 88262-F.)

LIBEL FILED: August 7, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 7, 1944, by S. O. Joy, from New Durham, N. H.

PRODUCT: 21 crates, each containing 24 quarts, of blueberries at Boston, Mass. Analysis showed that the product was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: September 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6936. Adulteration of blueberries. U. S. v. 1 Crate of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13585. Sample No. 88307-F.)

LIBEL FILED: August 11, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 10, 1944, by Chas. Taylor & Son, from Harrington, Maine.

PRODUCT: 1 crate, containing 24 quarts, of blueberries at Boston, Mass. Analysis showed that the product was infested with maggots.

LABEL, IN PART: "Priscilla Brand Blueberries."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: September 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6937. Adulteration of blueberries. U. S. v. 10 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13876. Sample No. 88309-F.)

LIBEL FILED: August 11, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 11, 1944, by C. M. Smith, from Laconia, N. H.

PRODUCT: 10 crates, each containing 24 quarts, of blueberries at Boston, Mass. Analysis showed that the product was infested with maggots.

LABEL, IN PART: "Mt. Belknap Blueberries."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: September 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6938. Adulteration of blueberries. U. S. v. 16 Crates and 12 Crates of Blueberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 13877, 13990. Sample Nos. 88311-F, 88313-F.)

LIBELS FILED: August 11 and 14, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 11 and 14, 1944, by Edgar Torrey, from Ellsworth and Sedgwick, Maine.

PRODUCT: 28 crates, each containing 24 quarts, of blueberries at Boston, Mass. Analysis showed that the product was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: September 5 and 19, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

JAMS, JELLIES, AND PRESERVES

6939. Adulteration and misbranding of blackberry, apricot, grape, loganberry, peach, and raspberry jam. U. S. 196 Cases of Assorted Jams. Consent decree of condemnation. Product ordered released under bond. Order forfeiting bond affirmed on appeal. (F. D. C. No. 4331. Sample No. 5568-E.)

LIBEL FILED: April 15, 1941, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 12, 1941, by the Fresh Grown Preserve Corporation, from Kingsland, N. J.

PRODUCT: 196 cases, each containing 6 8-pound cans, of assorted jams at East Columbus, Ohio.

LABEL, IN PART: (Cans) "Nature's Own Pure Blackberry [or "Apricot," "Grape," "Loganberry," "Peach," or "Raspberry"] Jam."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), imitation blackberry, apricot, grape, loganberry, peach, or raspberry jam, deficient in fruit, had been substituted in whole or in part for blackberry, apricot, grape, loganberry, peach, or raspberry jam, foods for which definitions and standards of identity have been prescribed by regulations.

Misbranding, Section 403 (a), the names "Pure Blackberry Jam," "Pure Apricot Jam," "Pure Grape Jam," "Pure Loganberry Jam," "Pure Peach Jam," and "Pure Raspberry Jam" were false and misleading; Section 403 (c), the articles were imitations of other foods and their labels failed to bear, in type of uniform size and prominence, the word "Imitation" and, immediately thereafter, the names of the foods imitated; and, Section 403 (g) (1), they purported to be foods for which definitions and standards of identity have been prescribed by regulations, and they failed to conform to the definitions and standards.

DISPOSITION: October 3, 1941. The Fresh Grown Preserve Corporation, Lyndhurst, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond, to be relabeled under the supervision of the Food and Drug Administration. On March 22, 1943, the Government brought action for forfeiture of the bond for breach of the conditions of the decree. On May 31, 1944, an order having been entered in the district court forfeiting the bond, and the claimant having appealed from the order, the Circuit Court of Appeals for the 6th Circuit handed down the following opinion sustaining the order of forfeiture:

MARTIN, Circuit Judge: "Charging adulteration and misbranding in violation of the Federal Food, Drug and Cosmetic Act, the United States, by its attorney for the Southern District of Ohio, filed a libel against one hundred ninety-six cases, containing six cans each, of an article of food labeled under six assorted flavors as 'Nature's Own Pure' blackberry, apricot, grape, loganberry, peach and raspberry jam. The libel alleged that the appellant, Fresh Grown Preserve Corporation, had transported the food in interstate commerce from Kingsland, New Jersey, to East Columbus, Ohio; and that the article was situated within the jurisdiction of the district court. It was averred that analysis showed the food article to be adulterated in violation of U. S. C. A., Title 21, Section 342, in that imitation blackberry, apricot, grape, loganberry, peach and raspberry jam deficient in fruit had been substituted wholly, or in part, for such fruit jam, as defined in the Federal Register of September 5, 1940, Section 29000. The libellant charged further that the article was misbranded in violation of U. S. C. A., Title 21, Section 343 (a), in that the label 'Pure Blackberry Jam' and the use of the word 'Pure' in labeling the other flavors were false and misleading as applied to the article which was deficient in fruit. The misbranding was said to constitute imitation of another food; and failure to conform to the definition and standard of identity prescribed by applicable regulations (U. S. C. A., Title 21, Section 341) was averred. The libellant prayed for the issuance of appropriate process of attachment; for citation of all persons asserting title or claim to the article of food; for condemnation of the food product; for the entry of all appropriate orders; and for costs and general relief.

"On October 2, 1941, five and one-half months after this libel was filed, the district court entered a consent decree, approved by the United States Attorney and the appellant. The consent of the latter was evidenced by the official signature of its president to the following stipulation at the bottom of the decree: 'The Fresh Grown Preserve Corporation, appearing herein as claimant and owner of the above mentioned canned jams, does hereby admit the truth of the allegations contained in the libel filed in the above entitled cause. It consents that the foregoing proposed decree be entered, the stipulations of which are hereby made a part of this consent.'

"Reciting this consent, the decree provided that the seized merchandise be condemned as forfeited to the United States of America.

"In awkwardly arranged language, the decree provided for the release of the seized food article to the claimant (appellant herein), upon its performance of all the conditions of a bond in the penal sum of five hundred dollars, should such bond be executed by the claimant and delivered to the libellant within thirty days from the date of the decree. This bond was directed to be conditioned upon numerous undertakings and restrictions. Within thirty days from the entry of the decree, the claimant would be required to reship the food to its warehouse at Lyndhurst, New Jersey, 'there to be relabeled under the supervision of the Food and Drug Administration so that the same will comply with the requirements of the Food, Drug and Cosmetic Act of June 25, 1938.' The merchandise was to be kept intact for inspection by a representative of the United States Federal Security Agency, and records preserved as proof, to the satisfaction of the government's agent, of the identity of the foodstuff.

"The positive mandate was written into the decree that the 'claimant shall submit to the said Agency at the said warehouse for inspection all of the said aforementioned canned jams relabeled.' The claimant was forbidden under any circumstances whatsoever to ship, sell or offer for sale in interstate commerce or otherwise for human consumption any part of the canned jams 'until the United States Federal Security Agency, through its designated inspector or other representative shall have had free access thereto at the aforesaid warehouse in order to make whatever examination and test they may desire, and shall have released such aforementioned canned jams for such sale and shipment.' The claimant was required to abide the final decision of the representative of the Federal Agency, and should his decision be adverse, the entire lot or any portion of the canned goods not passing inspection was directed to be destroyed under his supervision without further order of the court. Provisions were made for the payment by claimant of the cost of the government inspection, for the disposition of the merchandise in compliance with state and federal law, and for the furnishing by claimant of satisfactory evidence that it had complied with the decree.

"Naming the United States of America as obligee, a bond with a copy of the district court decree annexed was executed by appellant, with the Century Indemnity Company as surety, and was filed in the case on November 6, 1941. This bond contained the following covenant:

" 'NOW, THEREFORE, the condition of this obligation is such that if the above bounden Principal and its successors and assigns shall abide by and perform said decree aforesaid and any and all other decrees and orders of this Court entered in the said cause, and shall not sell or otherwise dispose of said food contrary to the provisions of Food, Drug and Cosmetic Act of June 25th, 1938, and amendments thereto, and all laws Federal and State thereto relating and shall not sell or dispose of said food until the United States Federal Security Agency through its designated inspector or other representative shall have released said food for sale and/or shipment, said bond to be approved by this Court, then this obligation to be void, and of no effect, otherwise to remain in full force and effect.'

"The United States, by its Attorney, filed a motion on March 22, 1943, for forfeiture on the performance bond on the ground that the claimant had not complied with the order of the Court. An affidavit of the Assistant United States Attorney was filed in support of the motion. The affiant asserted that the food article had not been relabeled in compliance with the decree of the court either within thirty days from its date or within the extended time granted. The affiant charged that the order of the district court had been 'circumvented deliberately' by the claimant and that 'a considerable number of cases of adulterated and misbranded jam and preserves were reshipped in interstate commerce from Lyndhurst, New Jersey, or otherwise disposed of in their original condition as they had been returned to the factory of the Fresh Grown Preserve Corporation under bond for relabeling.'

"Leo Greenberg, vice president of the appellant corporation, filed on May 14, 1943, an affidavit in opposition to the motion of the United States Attorney. Certain correspondence between the New York office of the Federal Security Agency and the appellant and its attorney was attached to the Greenberg affidavit. The principal point made by appellant in this affidavit and the attached correspondence was that the merchandise subjected to seizure in the libel proceedings had been placed on the premises of appellant and held in readiness for relabeling in compliance with the decree, and that although

numerous requests had been made of the Food and Drug Administration of New York to have its representative supervise the relabeling pursuant to the terms of the decree, the government agency had failed to send its representative to supervise the relabeling. The affiant Greenberg further deposed that 'during the month of February, 1943, the claimant relabeled the said merchandise as provided in the said decree, *except that such relabeling was not supervised by the Food and Drug Administration and that such failure to supervise such relabeling was not occasioned through any fault of the claimant.*' [Emphasis supplied.]

"The district court, on June 3, 1943, filed a memorandum decision reciting that the motion of the United States had been heard and submitted 'on the affidavits of the libellant and the claimant and the Court being fully advised in the premises finds that the motion should be sustained.' On June 28, 1943, the district court entered a decree declaring a forfeiture on the bond.

"On July 27, 1943, appellant filed a motion for an order vacating the order of the district court entered June 28, 1943, and for reargument of the libellant's motion for judgment on the bond. In support of this motion, the attorney for appellant filed his own affidavit in which he stated: 'Your deponent respectfully submits that the court was without jurisdiction to entertain this motion and to enter the order decreeing the payment of the bond for the reason that there is no provision in law, under the Federal Food, Drug and Cosmetic Act, authorizing the entry of such judgment by motion in the original proceeding, and that any recovery on such bond, because of any claim of a violation of any of its terms, must be had in a separate proceeding to be instituted as is required in any other action at law for the recovery of monies.'

"This motion for reargument and for vacation of the decree was denied. The appeal to this court is from the decree of June 28, 1943, adjudging forfeiture on the performance bond.

"The main contention of the appellant is a reiteration of its argument in the district court that the court lacked jurisdiction to decree a forfeiture on the performance bond, a plenary action on the bond being asserted as essential to recovery. The argument is made that with the entry of what appellant terms 'the final decree' providing for forfeiture of the condemned goods and their return to the claimant upon filing bond pursuant to Section 334 (d) of Title 21, U. S. C. A., there was no cause pending before the court; that the decree contained no provision for forfeiture of the bond regardless of breach thereof; and that the Federal Food, Drug and Cosmetic Act contains no provision for forfeiture of the bond and entry of judgment thereon 'without an independent action being commenced for that purpose,' and after trial of the issues in such action. The further point (which is considered unimportant) is made that no notice having been given the surety, the district court lacked power to adjudicate the surety's liability on the bond.

"Citing *Four Hundred and Forty-three Cans of Frozen Egg Product v. United States*, 226 U. S. 172, 183, the appellant points to the distinction between a forfeiture proceeding under the Federal Food, Drug and Cosmetic Act and seizure under the Admiralty Law. It is true that the Supreme Court declared that while the statute directs that proceedings under the Pure Food Act shall conform to those in admiralty, as near as may be, the Congress did not intend to liken the proceedings to those in admiralty beyond the seizure of the property by process *in rem*, 'then giving the case the character of a law action, with trial by jury if demanded and with the review already obtaining in actions at law.'

"This principle is deemed irrelevant to the situation confronted here. The libel proceeding was certainly not terminated with the entry of the decree of forfeiture, which elaborately provided for future steps to be taken before the reconditioned or relabeled goods were authorized to be released without restriction to the claimant. The district court obviously did not intend to surrender its jurisdiction over the condemned food article, until the requirements of its decree should be fully met. The statute, U. S. C. A., Title 21, Section 334 (d), expressly provides that after entry of the decree of condemnation, and payment of the costs of the proceeding and the execution of the good and sufficient bond conditioned that the condemned food article shall not be sold or disposed of contrary to the provisions of the Federal Food, Drug and Cosmetic Act or the laws of any state or territory in which sold, the court may by order direct that the condemned article be delivered to the owner for destruction or to be brought into compliance with the provisions of the Act under the supervision of an officer or employee duly designated by the Federal Security Administrator, and that the expenses of such supervision shall be paid by the person obtaining release of the article under bond.

"The omission from the statute of specific directions for procedure on the bond in the event of breach of its conditions is not fatal to the inherent right of the court to proceed to judgment of forfeiture in the event of breach. No restriction upon such course is indicated in the statute. There could be no point to acceptance of a bond in lieu of goods seized and condemned pursuant to the statute and temporarily returned to the custody of the owner upon prescribed conditions unless liability upon the bond could be adjudicated in the same proceeding in the event of a failure of the obligor to fulfill the conditions of the decree. The clear intent of the statute to withdraw from commerce food unfit for human consumption would be thwarted should the narrow interpretation be adopted that the district court loses jurisdiction over a condemned food article when a performance bond is accepted conditioned on the relabeling or reconditioning of the misbranded or deleterious goods under government supervision. We find no justification for such narrow construction in the language of the statute itself.

"Nor can an unexpressed intention of Congress to require a plenary or independent action as precedent to adjudication of liability upon the performance bond be reasonably deduced from the manifest purpose and full context of the statute. In the absence of prescribed procedure for the fixation of liability for non-performance of the performance bond, it is more reasonable to assume that Congress intended that the district court retaining jurisdiction over the seized goods should retain also the right to declare and adjudicate a forfeiture on the bond. What reasonable object would be served by trying in a separate action and perhaps in a different court the issue of whether the owner of condemned goods had properly relabeled or reprocessed the articles in conformity with the decree of the court of original jurisdiction which condemned the merchandise as violative of the Federal statute? No such repetitive or round-about procedure should be presumed as within the intent of Congress.

"Assimilating the procedure here to admiralty practice, a court having jurisdiction of the principal cause, processes jurisdiction over all its incidents, and may by motion, attachment, or execution enforce its decrees against all who become parties to the proceedings. Bonds, in intent and purpose, are stipulations in the admiralty. *Munks v. Jackson*, 66 Fed. 571, 574.

"No issue of fact as to damages need be tried in the instant case for the reason that the bond filed herein is penal and not indemnatory in character and names the United States of America as obligee.

"It is settled law that in the absence of express or implied provisions to the contrary in a statute which prescribes the making of bond, or in the bond itself, the full penalty for breach of the bond executed as a condition for license or other privilege may be recovered where the obligee is a body politic. *Clark v. Barnard*, 108 U. S. 436; *United States v. Dieckerhoff*, 202 U. S. 302; *Illinois Surety Co. v. United States*, 229 Fed. 527 (C. C. A. 2); *Eagle Indemnity Co. v. United States*, 22 F. (2d) 388 (C. C. A. 4). When by statute an agency of the United States Government is authorized to take bond as assurance of compliance with law, there is no necessity that the statute expressly prescribe the conditions of the bond. *Illinois Surety Co. v. United States*, *supra*; *Moses v. United States*, 166 U. S. 571.

"Appellant contends further that its right to a trial of contested issues was denied by the entry of judgment on the bond merely on motion supported and opposed by affidavits. This argument would rest on solid ground if the record revealed a factual basis for it. Were a material issue of fact presented by conflicting affidavits, either party would be clearly entitled to introduce its own witnesses and to cross examine those of its opponent. But under Civil Procedure Rule 56 summary judgment on motion on appropriate notice shall be rendered forthwith if the pleadings, depositions and admissions on file, *together with the affidavits*, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.

"As stated earlier in this opinion, the vice president of the appellant corporation admitted in his affidavit that appellant relabeled the condemned articles of food without supervision by a representative of the Federal Security Agency. This proscribed relabeling was in direct contravention of the decree of the district court and of the provisions of the statute and the conditions of the performance bond. Moreover, the charge in the affidavit of the United States Attorney that a considerable number of cases of the misbranded food articles had been reshipped in interstate commerce was not denied by appellant. Liability on the bond therefore attached on uncontroverted affidavits, and summary judgment was properly entered under Civil Procedure Rule 56.

"It should be observed that the attitude of the Federal Security Agency in not sending its representative to supervise the relabeling of appellant's seized and condemned food articles was not cooperative and is not to be commended. The course pursued by the agency appears to have been either arbitrary or neglectful, but this afforded appellant no right to violate the law. The appellant's appropriate course would have been to move the district court for an order directing the Federal Agency to perform forthwith its function under the decree. The aid of the court was not thus invoked. To the contrary, appellant deliberately violated the court's order by its own admission.

"The order of the district court of June 28, 1943, is affirmed."

A petition for a rehearing, subsequently filed by the appellant, was denied.

6940. Misbranding of grape jelly and jam. U. S. v. 390 Cases of Grape Jelly and Jam. Consent decree of condemnation. Product released under bond.
(F. D. C. No. 13670. Sample No. 70685-F.)

LIBEL FILED: September 25, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about March 25, 1944, by the Southwest Food Products Co., from Long Beach, Calif.

PRODUCT: 390 cases, each containing 12 jars, of grape jelly and jam at Seattle, Wash.

Examination disclosed that the article was short-weight.

LABEL, IN PART: "Dude Ranch Pure Concord Grape Jelly [or "Jam"] Net Weight 2 Lbs."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the label statement on some jars, "Pure Concord Grape Jam," was false and misleading as applied to grape jelly, which those jars contained; and, Section 403 (e) (2), the article was food in package form and failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: November 1, 1944. The Southwest Food Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and product was ordered released under bond, for relabeling under the supervision of the Food and Drug Administration.

6941. Adulteration and misbranding of jam and preserves. U. S. v. 24 Cases of Blackberry Preserves, 24 Cases of Black Cap Jam, and 24 Cases of Blueberry Preserves (and 2 other seizure actions against youngberry preserves or jam, loganberry preserves, raspberry preserves, damson plum preserves, apricot-pineapple preserves, blackcap jam, blueberry preserves, and blackberry jam and preserves). Decrees of condemnation. Portion of products ordered released under bond; remainder ordered destroyed.
(F. D. C. Nos. 12372, 12443, 12499. Sample Nos. 60377-F, 71425-F to 71431-F, incl., 73204-F to 73206-F, incl.)

LIBELS FILED: Between May 18 and June 21, 1944, Northern District of California and Western District of Washington.

ALLEGED SHIPMENT: From on or about March 15 to April 28, 1944, by the Dickinson Co., Portland, Oreg.

PRODUCT: 268 cases, each containing 24 1-pound jars, of the aforementioned products at San Francisco, Calif., and Seattle, Wash.

LABEL, IN PART: (Jars) "Dickinson's Pure Wild Blackberry Preserves," or corresponding labeling for the other products.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), products containing less soluble solids than required by the definitions and standards (68 percent in the cases of the blackcap jam, blackberry and youngberry preserves and jam, and blueberry, loganberry, and raspberry preserves, and 65 percent in the cases of the damson plum preserves and apricot-pineapple preserves) had been substituted in whole or in part for the articles.

Misbranding, Section 403 (a), the names, "Pure Youngberry Preserves [or "Pure Seedless Youngberry Jam"]," "Pure Loganberry Preserves," "Pure Raspberry Preserves," "Pure Damson Plum Preserves," "Pure Seedless Blackberry Jam," "Pure Apricot-Pineapple Preserves," "Pure Seedless Black Cap Jam," "Pure Blueberry Preserves," and "Pure Wild Blackberry Preserves," borne on the labels, were false and misleading; and, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity prescribed by the regulations since they had been insufficiently concentrated by heat.

Further misbranding (apricot-pineapple preserves), Section 403 (a), the label statement, "Net Weight 1 Lb.," was false and misleading since the article was short-weight; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 3, 1944. The Dickinson Co. having appeared as claimant for the San Francisco lots, judgments of condemnation were entered and the products were ordered released under bond, for the reprocessing and relabeling of the substandard portion. September 16, 1944. No claimant having appeared for the Seattle lots, judgment of condemnation was entered and the products were ordered destroyed.

6942. Adulteration and misbranding of blackberry, strawberry, cherry, raspberry, peach, grape, and apricot preserves and jams. U. S. v. 3,108 Cases of Jams (and 6 other seizure actions against jams and preserves). Decrees of condemnation. One lot ordered destroyed; remaining lots ordered released under bond. (F. D. C. Nos. 4319, 4445, 4820, 4821, 4897, 5041, 9174. Sample Nos. 2895-E, 49161-E to 49172-E, incl., 49263-E to 49280-E, incl., 49301-E to 49312-E, incl., 22833-F.)

LIBELS FILED: Between April 15, 1941, and January 12, 1943, Eastern District of Pennsylvania, District of Massachusetts, and Eastern District of Louisiana.

ALLEGED SHIPMENT: Between the approximate dates of March 8, 1941, and August 21, 1942, by the Fresh Grown Preserve Corporation, from Lyndhurst, N. J.

PRODUCT: 23 cases, each containing 24 1-pound jars, of preserves at Shenandoah, Pa., 3,000 8-pound cans of jams, at Camp Devens, Mass., and 680 cases, each containing 24 1½-pound jars, of preserves, and 9,995 cases, each containing 24 1½-pound jars, of jams, at New Orleans, La.

LABEL, IN PART: (Jams and preserves) "Son-Ripe Brand Top Notch," or "Nature's Own," or "George's Brand."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), imitation preserves and jams, deficient in fruit, had been substituted in whole or in part for grape, apricot, cherry, blackberry, strawberry, raspberry, and peach preserves or jams, foods for which definitions and standards of identity have been prescribed by regulations.

Misbranding, Section 403 (a), the names, "Pure Strawberry [or "Grape," "Apricot," "Cherry," "Peach," "Blackberry," or "Cherry"] Jam [or "Preserves"]," were false and misleading; Section 403 (c), the products were imitations of other foods and their labels failed to bear, in type of uniform size and prominence, the word "Imitation" and, immediately thereafter, the names of the foods imitated; and, Section 403 (g) (1), they purported to be foods for which definitions and standards of identity have been prescribed by regulations, and they failed to conform to the definitions and standards.

DISPOSITION: Between October 10 and November 12, 1941. The Fresh Grown Preserve Corporation, claimant for the New Orleans and Camp Devens lots, having admitted the allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond, to be relabeled under the supervision of the Food and Drug Administration. On October 14, 1942, the Public National Bank & Trust Co. of New York having intervened in the actions in the Eastern District of Louisiana, and having petitioned the court for modification of the decrees entered in that district on the ground that it had a financial interest in the goods, and the Fresh Grown Preserve Corporation having consented, judgments of condemnation were entered ordering the New Orleans lots released under bond to the Public National Bank & Trust Co. of New York, to be relabeled, or reprocessed and repacked and properly labeled, under the supervision of the Food and Drug Administration. January 29, 1943. No claimant having appeared for the Shenandoah lot, judgment of condemnation was entered and the product was ordered destroyed.

6943. Misbranding of raspberry preserves and jam. U. S. v. Fresh Grown Preserve Corporation, and Leo Greenberg. Pleas of guilty. Corporation and individual fined \$5,500 each. Individual defendant placed on probation for 2 years, and fine suspended; corporation fine reduced to \$3,300. (F. D. C. No. 6401. Sample Nos. 5568-E, 43185-E, 43186-E, 43331-E, 43344-E, 46963-E, 57070-E, 57281-E, 57338-E, 87364-E, 89305-E.)

INDICTMENTS RETURNED: On September 16 and 29, 1942, in the District of New Jersey, against the Fresh Grown Preserve Corporation, Lyndhurst, N. J., and Leo Greenberg, vice president, charging the shipment of quantities of jams and preserves with the intent to defraud the purchasers thereof.

ALLEGED SHIPMENT: Between the approximate dates of March 12, 1941, and January 22, 1942, from the State of New Jersey into the States of Kansas, Missouri, Ohio, Oklahoma, New York, Virginia, and Arkansas.

LABEL, IN PART: "Nature's Own Pure Raspberry Jam [or "Preserve"]," or "Magnetic Quality Holds Brand * * * Pure Raspberry Preserves Magnetic Products New York Distributors," or "Sonripe Brand Top Notch Pure Raspberry Preserve * * * Sun Distributing Co., Inc. Distributors, Lyndhurst, N. J."

VIOLATION CHARGED: Misbranding, Section 403 (g), the articles failed to conform to the definitions and standards of identity for preserves and jams, since they had not been made from mixtures containing at least 45 parts by weight of the fruit ingredient, raspberry, to each 55 parts by weight of one of the optional saccharine ingredients specified in the regulations, as required by the definitions and standards.

DISPOSITION: April 14, 1944. Pleas of guilty having been entered on behalf of the defendants on March 28, 1944, each defendant was fined \$500 on each count, for a total of \$5,500 each. The fine against the individual defendant was suspended, and he was placed on probation for a period of 2 years. On June 26, 1944, the fine against the corporation was reduced to \$300 on each count, making a total fine of \$3,300.

6944. Adulteration and misbranding of jellies. U. S. v. 114 Jars of Raspberry Flavored Jelly and 66 Jars of Cherry Flavored Jelly. Default decree of forfeiture. Products ordered delivered to charitable institutions. (F. D. C. No. 12030. Sample Nos. 55047-F, 55048-F.)

LIBEL FILED: April 4, 1944, Northern District of Indiana.

ALLEGED SHIPMENT: On or about October 14, 1943, by August C. Kirchoff, Chicago, Ill.

PRODUCT: 114 jars of raspberry-flavored jelly and 66 jars of cherry-flavored jelly at Hammond, Ind.

Analysis showed that the articles contained little or no actual fruit juice and were deficient in soluble solids. They were artificially flavored and colored and contained an acidifier, phosphoric acid. The cherry-flavored jelly contained sodium benzoate. Both products were short-weight.

LABEL, IN PART: (Jars) "Katy's Sun Ripe Net Weight 16 ozs. Raspberry Flavored Jelly * * * Bottled By Katy's Kitchen * * * Chicago, Ill.," or "Katy's Sun Ripe Cherry Flavored Jelly * * * Net Wt. 16 ozs. Packed by Katy's Kitchen Chicago, Ill."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), artificially flavored and colored products, deficient in soluble solids, containing little or no actual fruit juice, and containing an acidifier, had been substituted for raspberry and cherry jellies, which the articles purported to be.

Misbranding, Section 403 (a), the names, "Sun Ripe Raspberry Flavored Jelly" and "Sun Ripe Cherry Flavored Jelly," were false and misleading as applied to the articles, which failed to conform to the definitions and standards of identity for jellies prescribed by the regulations; the statements, "Net Weight 16 ozs." or "Net Wt. 16 Ozs." were false and misleading as applied to products which were short-weight, and (cherry flavor) the statement, "Contains * * * Juice of Cherry," was misleading since the article contained little or no cherry juice; Section 403 (e) (2), the articles were in package form and failed to bear labels containing an accurate statement of the quantity of the contents, and the statement was not expressed in terms of the largest unit; Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity since they contained less than 45 parts by weight of the applicable fruit juice ingredient to each 55 parts by weight of the saccharine ingredient; and, Section 403 (k), the cherry-flavored jelly contained artificial coloring and a chemical preservative, and failed to bear labeling stating that fact.

DISPOSITION: August 2, 1944. No claimant having appeared, judgment of forfeiture was entered and the products were ordered delivered to charitable institutions.

6945. Adulteration and misbranding of raspberry jelly and blackberry preserves. U. S. v. 31 Cases of Raspberry Jelly and 24 Cartons of Blackberry Preserves. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 12234. Sample Nos. 54171-F, 54172-F.)

LIBEL FILED: On or about April 27, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about February 11, 1944, by the Kopper Kettle Preserving Co., Los Angeles, Calif.

PRODUCT: 31 cases, each containing 24 1-pound jars, of red raspberry jelly and 24 cartons, each containing 12 2-pound jars, of blackberry preserves at Phoenix, Ariz.

LABEL, IN PART: (Jars) "Kopper Kettle Brand Pure Red Raspberry Jelly," or "Blackberry Preserves."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), products deficient in fruit juice, in the case of the jelly, and fruit, in the case of the preserves, had been substituted in whole or in part for the red raspberry jelly and blackberry preserves, foods for which definitions and standards of identity have been prescribed by regulations.

Misbranding, Section 403 (a), the names, "Pure Red Raspberry Jelly," or "Pure Blackberry Preserves," or "Pure Preserves Blackberry," were false and misleading; and, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity since they were made from mixtures composed of less than 45 parts by weight of fruit juice ingredient, in the case of the raspberry jelly, and the blackberry ingredient, in the case of the blackberry preserves, to each 55 parts by weight of one of the saccharine ingredients.

DISPOSITION: June 17, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to charitable institutions.

6946. Adulteration and misbranding of strawberry, blackberry, peach, and cherry preserves. U. S. v. 600 Cases of Assorted Preserves. Consent decree of condemnation. Product ordered released under bond to be relabeled. Subsequent judgment for \$1,000 and costs for breach of bond affirmed on appeal. (F. D. C. No. 4332. Sample No. 48801-E.)

LIBEL FILED: April 16, 1944, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about February 21, 1941, by the Fresh Grown Preserve Corporation, from Lyndhurst, N. J.

PRODUCT: 600 cases, each containing 6 8-pound cans, of assorted preserves at Fort Jackson, S. C.

LABEL, IN PART: (Cans) "Nature's Own Pure Strawberry [or "Blackberry," "Peach," or "Cherry"] Preserve."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), imitation strawberry (or blackberry, peach, or cherry) preserves, deficient in fruit, had been substituted in whole or in part for strawberry (or blackberry, peach, or cherry) preserves, foods for which definitions and standards have been established in the regulations.

Misbranding, Section 403 (a), the names "Pure Strawberry Preserve," "Pure Blackberry Preserve," "Pure Peach Preserve," and "Pure Cherry Preserve," were false and misleading; Section 403 (c), the articles were imitations of other foods and their labels failed to bear, in type of uniform size and prominence, the word "Imitation," and, immediately thereafter, the names of the foods imitated; and, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity prescribed by the regulations.

DISPOSITION: May 14, 1941. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed. However, before all the goods were destroyed, the Fresh Grown Preserve Corporation intervened and secured release of the remainder under bond for relabeling. These proceedings and subsequent suit by the Government on the bond charging breach of the conditions of the decree are set forth in the following opinions:

(Opinion of the Eastern District Court of South Carolina, handed down February 1, 1944.)

TIMMERMAN, District Judge:

"This is an action on a bond executed and filed by the defendants pursuant to an order of this Court in the libel proceeding, entitled, 'United States of America, Libelant, vs. 600 Cases, more or less, each containing 6 cans of an article labeled in part "Nature's Own Pure Strawberry Preserve * * * [also "Blackberry, Peach and Cherry"].'"

"The complaint alleges the execution of said bond by the defendants, the filing thereof in the aforementioned proceeding and its breach.

"The gist of the Government's case is stated in the 5th paragraph of the complaint, as amended. It reads as follows:

V. The defendant Fresh Grown Preserve Corporation did not abide by the decree hereinabove referred to, dated September 23, 1941, in that (1) it did not pay costs within 30 days; (2) it did not relabel the goods within 30 days; (3) while it did relabel the goods, after the 30-day period prescribed by the decree, it did not relabel them under the supervision of the Food and Drug Administration of the Federal Security Agency; (4) it did not maintain the lot of goods intact for examination or inspection by a representative of the Federal Security Agency; (5) it sold these goods without having obtained a release from the Federal Security Agency; (6) it did not abide by the con-

clusion of the representative of the Federal Security Agency. By reason of these violations of the terms of the decree, compliance with which has been made a condition of the bond, the United States became and is now entitled to receive from the defendants the sum of one thousand (\$1,000) Dollars, the amount specified in the aforesaid bond, no part of which has been paid.

"Upon the trial of the case the defendants conceded that they had executed and filed the bond in question. Briefly stated, the contentions of the defendants now are: (a) That there was substantial compliance with the conditions of the bond, although the compliance was belated; and (b) that the bond is one of indemnity and not one of a penal nature.

THE FACTS

"The libel in the aforementioned proceeding was filed April 16, 1941. The 600 cases of condemned cans labeled in part as 'Nature's Own Pure Strawberry Preserves' were originally shipped by the defendant Fresh Grown Preserve Corporation of Lyndhurst, New Jersey, to the Quartermaster at Fort Jackson, S. C., on or about February 21, 1941. It was alleged in the libel that the so-called preserves were adulterated and misbranded in violation of the Federal Food, Drug and Cosmetic Act of June 25, 1938.

"No answer having been filed, on May 14, 1941, Judge Lumpkin entered a decree condemning said goods and ordering their destruction by the Marshal. However, before all of said goods had been destroyed, the defendant Fresh Grown Preserve Corporation intervened in said proceeding and, as the owner and shipper of said goods, filed a claim and a stipulation admitting the allegations of the libel, consenting to a decree of condemnation, and asking to be allowed to reclaim such of the goods as had not been previously destroyed for the purpose of relabeling it before putting it into the channels of commerce again. So upon the formal, written consent of said claimant (one of the defendants herein), the Court entered an order, September 23, 1941, holding and decreeing said seized goods to be adulterated and misbranded as alleged and ordering the forfeiture thereof; but providing that, in case the claimant should, within thirty days from the date of said decree, pay all the costs of said proceeding and execute and deliver to the libellant a good and sufficient bond in the sum of \$1,000.00, conditioned as provided in said decree, the condemned goods should be released to the claimant.

"The conditions of said bond or undertaking as required by said decree were as follows:

"1. That claimant would, at its own cost and within thirty days, cause said libeled goods to be reshipped to the warehouse of the claimant in New Jersey and there relabeled under the supervision of the Food and Drug Administration so as to comply with the requirements of the Food, Drug and Cosmetic Act of June 25, 1938.

"2. That the Claimant would retain the entire lot of condemned goods intact for examination or inspection by a representative of the United States Federal Security Agency, and at all times maintain necessary records or other proof to identify said goods to the satisfaction of said representative.

"3. That the claimant would notify the Federal Security Agency of its purpose to do so and then submit to the Agency's representative all of said goods at claimant's said warehouse for the purpose of examination and inspection.

"4. That the claimant would not, under any circumstances, ship or sell, or offer for shipment or sale, for human consumption, any part of said goods until a representative of said Federal Security Agency had been given free access to said goods for the purposes of inspection and he had released the same for sale.

"5. That the claimant would pay \$14.00 per day as salary or wages and \$5.00 per day as subsistence and expenses for each day a representative of the Federal Security Agency should be engaged in supervising or inspecting the relabeling of said goods.

"6. That the claimant would abide by the decision of the representative of said Agency as to the proper relabeling of said goods, which decision should be final.

"7. That the claimant would furnish evidence, by affidavit or otherwise, satisfactory to the Federal Security Agency, as to the relabeling of said goods, and file the same with the Clerk of this Court.

"The required bond was duly executed by the defendant Fresh Grown Preserve Corporation, as principal, and by the defendant The Century Indemnity Company, as surety, on September 30, 1941, although it was not filed in this court until November 4, 1941. The order did not require the bond to be

filed with the court,—only that it be delivered to the libellant. The condemned goods were shipped from Columbia, S. C., to the defendant Preserve Corporation on November 2, 1941, and they were in due course received by said defendant at its warehouse in Lyndhurst, New Jersey.

"The record discloses no further action in the libel proceeding until August 14, 1942. On that date both defendants herein, Fresh Grown Preserve Corporation and The Century Indemnity Company, filed with the Court a signed written stipulation, in these words:

IT IS HEREBY STIPULATED AND CONSENTED that the decree heretofore entered on the above entitled cause on the 23rd day of September, 1941, be amended to further provide: That the time for the claimant herein to relabel the merchandise in conformity with the decree entered herein, be extended to the 1st day of October, 1942, and that this extension is conditioned upon the claimant furnishing to the Food and Drug Division of the Federal Security Agency satisfactory evidence as to the disposition of the relabeled goods by furnishing said Food and Drug Division a duplicate of the invoice of the sale of such merchandise which said invoice shall contain the amount and description of the merchandise and the name and address of the purchaser.

IT IS FURTHER STIPULATED that in the event that the said merchandise is not relabeled within the period of time as provided for in this stipulation, the claimant will not request a further extension.

"On the date of the filing of this stipulation and in response thereto, Judge J. Waties Waring entered a supplemental order in the libel proceeding. Among other things, Judge Waring held that the merchandise in question had been condemned and forfeited on September 23, 1941 (Judge Paul's order of that date), but with leave to the claimant to repossess certain of said condemned merchandise on certain stated conditions; that the claimant had not carried out all of the conditions prescribed in Judge Paul's order which were made the condition of said bond. It was then ordered by Judge Waring that 'the time for relabeling (said goods) in a manner satisfactory to the said Food and Drug Division and carrying out the other provisions relative to said relabeling and satisfying the said Division, be extended to the 1st day of October 1942,' subject to the following proviso:

* * * that the above extension is contingent upon the claimant paying all costs, disbursements and expenses due to or incurred by the Clerk of this court and by the Marshal of this court in connection with this cause * * * in full within Ten days from the date hereof. Upon failure of such payment within such time then the extension hereinabove granted in this order shall become null and void and the District Attorney is directed to institute suit for the enforcement of the terms of the bond on file in this cause forthwith, etc.

"The costs required to be paid as a condition precedent to the extension of time asked for by the defendants were not paid within the time specified in Judge Waring's order. Thereafter, this action was brought.

"That the defendant Fresh Grown Preserve Corporation, the claimant in the libel proceeding, did not comply with the terms and conditions prescribed in Judge Paul's order of September 23, 1941, within the time limit fixed, which were made the condition of said bond, is not open to serious question. However, the defendants now claim substantial compliance therewith at a later date, and before Judge Waring's order of August 14, 1942.

"This contention is based upon the testimony of one Leo Greenberg, Vice President of the Preserve Corporation, but his testimony is contradicted by the Government's witnesses. I do not deem it necessary to review all of the testimony. Suffice it to say that I resolve the issue of fact in favor of the Government. I hardly think that any other conclusion could be reached in view of the stipulation signed by both defendants and filed in this Court on August 14, 1942, a copy of which appears above. It would not comport with reason to conclude that the defendants would have been asking for time within which to comply with the conditions of the bond in August, 1942, if those conditions had been complied with in November or December, 1941. The concluding words of said stipulation of August 14, 1942, are:

* * * that in the event that the said merchandise is not relabeled within the period of time as provided for in this stipulation, the claimant will not request a further extension.

Could this mean that the defendants wanted a further extension of time within which to do what they had already done? Obviously not.

"I, therefore, find as a matter of fact that the defendants breached said bond prior to the time they applied for and obtained Judge Waring's order of August 14, 1942, and that said order did not operate to relieve the defendants from the effects of such breach since they did not perform the condition which would have made it effective for that purpose.

THE LAW

"Having found as a fact that the defendant Fresh Grown Preserve Corporation did not comply substantially with the condition of said bond at any time prior to the commencement of this action, it follows as a matter of law that such plea cannot avail the defendants, or either of them, in this action.

"The real issue raised on the trial of this cause is: What is the character of the bond; is it a penal bond or one of indemnity? My conclusion is that it is a penal bond.

"This bond was required by the Court to enforce compliance with the Food, Drug and Cosmetic Act, which Act the defendant Fresh Grown Preserve Corporation admittedly had violated in respect to the very food in question in the libel proceeding. Section 304-d of the Act (21 U. S. C. A., Sec. 304-d) specifically provides:

That after entry of the decree (of condemnation) and upon the payment of the costs of such proceedings and the *execution* of a good and sufficient bond conditioned that such (condemned) article shall not be sold or disposed of contrary to the provisions of this chapter * * *, the Court may by order direct that such article be delivered to the owner thereof to be * * * brought into compliance with the provisions of this chapter under the supervision of an officer or employee duly designated by the administrator, etc. [Emphasis added.]

"The decree providing for the execution of the bond in question was made in strict compliance with the cited Act, and the defendant Fresh Grown Preserve Corporation was accorded thereby every right to which it was entitled under the Act. It received, and presumably retained, every consideration which the execution of the bond entitled it to. The fact that said defendant has played fast and loose with the Government—continually promising and not performing—since the inception of this matter only emphasizes the necessity for a penalty bond in cases of this character, if the law enacted by Congress to protect the general public against unscrupulous vendors of food is to be effective.

"Where a bond is given to a public body as a condition of license or other privilege, or conditioned on compliance with law, the full penalty of such bond may be recovered for a breach thereof, in the absence of a provision to the contrary in the statute which prescribes the bond, or in the bond itself. *Clark v. Barnard*, 108 U. S. 436 (1883); *United States v. Dieckerhoff*, 202 U. S. 302 (1906); *United States v. Montell*, 26 Fed. Cas. No. 15,798 (C. C. D. Md., 1841); *United States v. Wandmaker*, 292 Fed. 24 (C. C. A. 8th, 1923); *Illinois Surety Co. v. United States*, 229 Fed. 527 (C. C. A. 2nd, 1916); *Eagle Indemnity Co. v. United States*, 22 F. (2d) 388 (C. C. A. 4th, 1927), cert. den. 276 U. S. 624 (1928); *United States v. United States Fidelity and Guaranty Co.*, 35 F. Supp. 959 (E. D. Pa., 1940).

"In cases where by statute the Government is authorized to take a bond to insure compliance with the law, it is not material that the conditions of the bond are not expressly prescribed by the statute. *Eagle Indemnity Co. v. United States*, 22 F. (2d) 388 (C. C. A. 4th, 1927) cert. den. 276 U. S. 624 (1928); *Illinois Surety Co. v. United States*, 229 Fed. 527 (C. C. A. 2nd, 1916); *United States v. Engelberg*, 2 F. (2d) 720 (W. D. Pa., 1924).

"Section 785, 28 U. S. Code, has been invoked to protect the defendants against a declaration that the bond in question is a penalty bond. I do not think that this section operates to relieve the defendants from the full penalty of their bond. That section in effect provides that 'in suits to recover the forfeiture annexed to * * * (a) bond' courts shall render judgment 'according to equity'. There is a difference between forfeitures and penalties. 'A penalty as distinguished from a forfeiture involves the enforcement of an obligation to pay a sum fixed by law or agreement of the parties as a punishment for the failure to fulfill some primary obligation. A forfeiture deprives a man of what he previously possessed, or at least prevents him from acquiring what he has substantially paid for; a penalty subjects him to a liability beyond the actual damage caused by his breach of the primary obligation.' *Williston on Contracts*, Vol. II, p. 1470, Sec. 770. The obligation of the bond in the instant case was not to surrender something to the Government which the defendant previously possessed or was entitled to receive as a matter of right, but it was simply to guarantee that the said defendant would obey the law as interpreted by the court (to which interpretation the defendants agreed), or pay a fixed agreed sum as a penalty for not doing so. *United States v. Dieckerhoff*, 202 U. S. 302; 26 S. Ct. 604; 50 L. Ed. 1041, is in point. That case arose under a statute which provided that imported merchandise subject to duty might be taken from the Collector prior to inspection and appraisal on the

giving of a bond in double the estimated value of such merchandise conditioned for the delivery of the same to the Collector on his order. The defendant filed the bond required and breached it by failing to return the merchandise at the request of the Collector. The defendant contended that his liability on said bond was limited to such damages as the Government alleged and could prove. The Court, among other things, said:

But we think the purpose of the statute and the purpose of the requirement in the bond provided for therein, and the one given in this case, was to secure the performance of the duty imposed of returning the package or packages, where an importer has availed himself of the privilege of withdrawing merchandise from the custody of the Government officials before it has been examined and appraised . . . we think it was the intention of the law to provide specific damages to be recovered upon the nonperformance of the duty imposed, and to secure a prompt and faithful discharge of which the statute provides for the giving of a bond. . .

We think such undertaking, for this manner of discharging this duty, or paying the value stipulated, *was intended to and does relieve the Government from the necessity of showing any actual damage or loss.* (Emphasis added)

"See also: *United States v. Engelberg*, 2 F. (2d) 720; *Eagle Indemnity Co. v. United States*, 22, F. (2d) 388, (4th Cir.); *United States v. Wandmaker*, 292 F. 24 (8th Cir.); *Illinois Surety Co. v. United States*, 229 F. 527 (2nd Cir.).

"From the foregoing authorities and others that might be cited it follows as a rule of law that, where the condition of a bond given to the Government is to guarantee compliance with the law, it is a penal bond, and that the Government will be entitled to judgment for the full penalty of such a bond on proof of a breach thereof. Even if it should be conceded that Judge Paul's decree of September 23, 1941, imposed conditions for the bond in question, some of which were not authorized by the Act (a concession I am unwilling to make in fact), that would not relieve the defendants from the full penalty of the bond, for said decree was entered at the instance and for the benefit of the defendant Fresh Grown Preserve Corporation in the first place and it was later ratified by both defendants in the stipulation filed in this court on August 14, 1942, for the purpose of gaining an extension of time within which to do the things that would save the penalty of the bond. The defendants got the extension they asked for on a very simple condition; and it is their own fault that they did not perform that simple condition and thereby make the extension effective for their protection. Since no appeal was taken from Judge Paul's order and since it appears that said order was entered at the instance and for the benefit of the claimant in the libel proceeding, it is the law of that proceeding and should be respected as such in this case. The defendants are now estopped to deny its full validity.

"I conclude as matters of law that the bond in question is a penal bond; that it has been breached in material respects; and that the plaintiff is entitled to judgment against both defendants for the full penalty of said bond.

"An order for judgment in accordance with the views herein expressed will be signed on presentation in proper form."

(Opinion of the Circuit Court of Appeals for the Fourth Circuit, handed down July 31, 1944)

NORTHCOTT, *Circuit Judge*:

"This is an action brought in the District Court of the United States for the Eastern District of South Carolina in September 1942, by the appellee, United States of America, here referred to as the plaintiff, seeking to recover the full penalty of a bond in the sum of \$1,000.00 given by one of the appellants, Fresh Grown Preserve Corporation, here referred to as a defendant. The appellant The Century Indemnity Company, here referred to as a defendant, was the surety on the bond.

"In December 1943, a trial was had and in February 1944 the trial judge handed down an opinion finding the facts and stating his conclusions of law holding for the plaintiff. Judgment was entered in accordance with this finding, from which judgment this appeal was brought.

"In February 1941 the defendant Fresh Grown Preserve Corporation shipped to the Quartermaster at Fort Jackson, South Carolina, 600 cases, six cans in each case, of an article, labeled in part 'Nature's Own Pure Strawberry Preserve [* * * also 'Blackberry, Peach and Cherry']'.

"On April 16, 1941, a libel was filed, in the District Court of the United States for the Eastern District of South Carolina, entitled '*United States of America, Libellant, vs. 600 Cases, more or less,*' and the goods were seized. On May 14, 1941, no answer having been filed, an order was entered condemning said goods and directing their destruction by the Marshal. Before all of said goods had been destroyed, the defendant Fresh Grown Preserve Corporation

intervened in the libel proceeding as the owner and shipper of said goods and filed a claim and a stipulation admitting the allegations of the libel, consenting to a decree of condemnation, and asking to be allowed to reclaim such of the goods as had not been previously destroyed for the purpose of relabeling them before putting them into the channels of commerce again.

"On September 23, 1941, the court entered an order holding and decreeing that said goods were adulterated and were misbranded as alleged and ordering the forfeiture thereof; but providing that, in case the claimant should, within thirty days from the date of said decree, pay all the costs of said proceeding and execute and deliver to the libellant a good and sufficient bond in the sum of \$1,000.00, conditioned as provided in said decree, the condemned goods should be released to the claimant.

"The conditions of said bond or undertaking as required by said decree were as follows:

"1. That claimant would, at its own cost and within thirty days, cause said libeled goods to be reshipped to the warehouse of the claimant in New Jersey and there relabeled under the supervision of the Food and Drug Administration so as to comply with the requirements of the Food, Drug and Cosmetic Act of June 25, 1938.

"2. That the claimant would retain the entire lot of condemned goods intact for examination or inspection by a representative of the United States Federal Security Agency, and at all times maintain necessary records or other proof to identify said goods to the satisfaction of said representative.

"3. That the claimant would notify the Federal Security Agency of its purpose to do so and then submit to the Agency's representative all of said goods at claimant's warehouse for the purpose of examination and inspection.

"4. That the claimant would not, under any circumstances, ship or sell, or offer for shipment or sale, for human consumption, any part of said goods until a representative of said Federal Security Agency had been given free access to said goods for the purpose of inspection and he had released the same for sale.

"5. That the claimant would pay \$14.00 per day as salary or wages and \$5.00 per day as subsistence and expenses for each day a representative of the Federal Security Agency should be engaged in supervising or inspecting the relabeling of said goods.

"6. That the claimant would abide by the decision of the representative of said Agency as to the proper relabeling of said goods, which decision should be final.

"7. That the claimant would furnish evidence, by affidavit or otherwise, satisfactory to the Federal Security Agency, as to the relabeling of said goods, and file the same with the Clerk of this Court.

"The bond was duly executed by the defendant Fresh Grown Preserve Corporation and by the defendant indemnity company as surety on September 30, 1941, and filed in the court November 4, 1941. 217 cases of the condemned goods were shipped from Columbia, South Carolina, to the defendant Preserve Corporation on November 2, 1941, and they were in due course received by said defendant at its warehouse in Lyndhurst, New Jersey.

"There was no further action in the libel proceeding until August 14, 1942, when appellants filed with the court a signed written stipulation, as follows:

IT IS HEREBY STIPULATED AND CONSENTED that the decree heretofore entered on the above entitled cause on the 23rd day of September, 1941, be amended to further provide: That the time for the claimant herein to relabel the merchandise in conformity with the decree entered herein, be extended to the 1st day of October, 1942, and that this extension is conditioned upon the claimant furnishing to the Food and Drug Division of the Federal Security Agency satisfactory evidence as to the disposition of the relabeled goods by furnishing said Food and Drug Division a duplicate of the invoice of the sale of such merchandise which said invoice shall contain the amount and description of the merchandise and the name and address of the purchaser.

IT IS FURTHER STIPULATED that in the event that the said merchandise is not relabeled within the period of time as provided for in this stipulation, the claimant will not request a further extension.

"On the date of the filing of this stipulation the court below entered a supplemental order in the libel proceeding reciting that the merchandise in question had been condemned and forfeited but giving leave to the claimant to repossess certain of said merchandise; that the claimant had not carried out all of the conditions prescribed in the order of the court below that were made the condition of said bond and further ordering that 'the time for relabeling (said goods) in a manner satisfactory to the said Food and Drug Division and carrying out the other provisions relative to said relabeling and satisfying the

said Division, be extended to the 1st day of October 1942,' subject to the following proviso:

* * * that the above extension is contingent upon the claimant paying all costs, disbursements and expenses due to or incurred by the Clerk of this court and by the Marshal of this court in connection with this cause * * * in full within ten days from the date hereof. Upon failure of such payment within such time then the extension hereinabove granted in this order shall become null and void and the District Attorney is directed to institute suit for the enforcement of the terms of the bond on file in this cause forthwith * * *

"The costs required to be paid as a condition precedent to the extension of time asked for were not paid within the time specified in the last order of the court below. Thereafter, this action was brought.

"Two questions are involved in the appeal: (1) Were the conditions of the bond breached? (2) Was the bond a penal bond or an indemnity bond?

"That the conditions of the bond as originally given were breached is not open to dispute. The Preserve Corporation did not retain the entire lot of condemned goods intact for examination or inspection and did not notify the Federal Security Agency when they were ready to relabel the goods reclaimed. The Preserve Corporation also offered for shipment and sale part of said goods before a representative of the Federal Security Agency had been given free access to them for the purposes of inspection and did not furnish satisfactory evidence as to the relabeling of said goods.

"It is claimed on behalf of the Preserve Corporation that the conditions of the bond were substantially complied with, but the judge below found this not to be a fact and we are of the opinion that his finding is not only based upon substantial evidence but is overwhelmingly supported by the evidence.

"The Preserve Corporation claims to have relabeled the goods within thirty days after they were received but not under the supervision of the Food and Drug Administration, but that the Food and Drug Administration adopted the view that the relabeling had been properly done. As pointed out by the judge below in his able opinion it is not probable that if the relabeling had already been done the Preserve Corporation would have, months later, in August 1942, filed a stipulation asking for a further extension of time in which to do the relabeling. Upon this point and considering other evidence the judge below found against the Preserve Corporation defendant.

"It is also admitted that the costs, the payment of which within ten days from the date of the order of August 14, 1942, was required by said order, were not paid within the time specified and as again pointed out by the judge below this failure to comply with the conditions of the order as expressly stated in the order made null and void the privileges granted under the order to the Preserve Corporation. The record discloses that a few cases of the goods were destroyed or damaged.

"The Preserve Corporation contends that the order of August 14, 1942, was a waiver by the Government of any breach of the conditions of the bond that had occurred prior thereto but do not contend that they paid the costs within the time specified in the order to make the decree of August 14, 1942, effective.

"The whole history of what happened, as shown by the record, makes a picture of repeated efforts on the part of the Government, its attorneys and agents to aid the Preserve Corporation in reclaiming the goods and just as many negligent acts on the part of the Preserve Corporation to avoid complying with the conditions prescribed by the court. In fact very few of the conditions of the bond or the requirements made in the court orders were strictly complied with by the Preserve Corporation and there seems to be no room for excusing their course of conduct.

"The conditions of the bond were breached and the conditions of the court order excusing these breaches were not complied with.

"On the second question the court below held that the bond was a penal bond and not an indemnity one. In this holding the judge below was clearly right. We had occasion to discuss this question in *Eagle Indemnity Co. v. United States*, 22 F. 2d 388, where we distinguished the case of *United States v. Zerbey*, 271 U. S. 322, chiefly relied upon by the defendants. The condition as to the payment of certain money was, of course, an indemnifying one but the breach of that condition is not charged.

"The authorities are clear that where a bond is given to a public body as a condition of a privilege or condition on compliance with law, the full penalty of such bond may be recovered for a breach thereof, in the absence of statutory provision to the contrary.

"*Clarke v. Barnard*, 108 U. S. 436.

"*United States v. Dieckerhoff*, 202 U. S. 302.

"*Eagle Indemnity Co. v. United States*, *supra*.

"In *United States v. Dieckerhoff*, *supra*, the court said:

"'But we think the purpose of the statute and the purpose of the requirement in the bond provided for therein, and the one given in this case, was to secure the performance of the duty imposed of returning the package or packages, where an importer availed himself of the privilege of withdrawing merchandise from the custody of the governmental officials before it has been examined and appraised. * * *, we think it was the intention of the law to provide specific damages to be recovered upon the nonperformance of the duty imposed, and to secure a prompt and faithful discharge of which the statute provides for the giving of a bond.

"'We think such undertaking, for this manner of discharging this duty, or paying the value stipulated, was intended to and does relieve the government from the necessity of showing any actual damage or loss.'

"The Preserve Corporation was violating the law in shipping adulterated goods and showed no appreciation of the various efforts made to assist it in reclaiming and reconditioning the goods.

"The findings of the judge below that the conditions of the bond were breached and that the bond was a penal one were correct and the judgment of the court below is accordingly affirmed."

MISCELLANEOUS FRUIT PRODUCTS

6947. Adulteration and misbranding of currant juice. U. S. v. 9 Cans of Currant Juice. Default decree of condemnation and destruction. (F. D. C. No. 9181. Sample No. 22836-F.)

LIBEL FILED: January 13, 1943, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 21, 1942, by the Fresh Grown Preserve Corporation, from Lyndhurst, N. J.

PRODUCT: 9 cans, each containing 5 gallons, of currant juice at Philadelphia, Pa.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a substance containing added sugar or sugars, added water, acid, and sodium benzoate, had been substituted in whole or in part for currant juice; and, Section 402 (b) (4), a substance containing added sugar or sugars, added water, acid, and sodium benzoate, had been added to the article, or mixed or packed with it, so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the name, "Currant Juice," was false and misleading; Section 403 (b), the product was offered for sale under the name of another food; Section 403 (c), it was an imitation of another food, currant juice, and its label did not bear, in type of uniform size and prominence, the word "Imitation," and, immediately thereafter, the name of the food imitated; Section 403 (f), the statement of the quantity of contents and the name and place of business of the manufacturer, packer, or distributor, required by law to appear on the label, were not placed thereon with sufficient prominence to render them likely to be read by the ordinary individual under customary conditions of purchase and use; Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and, Section 403 (k), it contained a chemical preservative, sodium benzoate, and it did not bear labeling stating that fact.

DISPOSITION: January 29, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6948. Misbranding of preserved fruits. U. S. v. 147 Jars of Preserved Dates, 299 Jars of Preserved Pears, and 107 Jars of Preserved Peaches. Consent decree of condemnation. Product ordered released under bond for re-labeling. (F. D. C. No. 12076. Sample Nos. 76429-F to 76431-F, incl.)

LIBEL FILED: March 25, 1944, Southern District of New York.

ALLEGED SHIPMENT: From on or about December 3, 1943, to January 14, 1944, by Sunshine Products, Inc., from Miami, Fla.

PRODUCT: 147 jars of preserved dates, 299 jars of preserved pears, and 107 jars of preserved peaches at New York, N. Y.

LABEL, IN PART: "Annettes Preserved Dates [or "Bartlett Pears," or "Elberta Peaches"] * * * Net Wgt. One Pound."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement appearing on the jar labels, "Net Wgt. One Pound," was false and misleading as applied to articles which were short-weight; and, Section 403 (e) (2), they were in package form and failed to bear labels containing an accurate statement of the quantity of the contents.

DISPOSITION: June 13, 1944. Sunshine Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond, for relabeling under the supervision of the Food and Drug Administration.

6949. Misbranding of canned olives. U. S. v. 100 Cases of Canned Olives. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 13237. Sample No. 73399-F.)

LIBEL FILED: August 17, 1944, District of Montana.

ALLEGED SHIPMENT: On or about July 24, 1944, by the Regent Canfood Co. Division of Safeway Stores, Inc., Oakland, Calif.

PRODUCT: 100 cases, each containing 24 jars, of olives at Butte, Mont.

LABEL, IN PART: (Jars) "Visalia Pride Brand California Green Olives Spanish Style Drained Weight 10½ Oz."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product was food in package form and failed to bear a label containing an accurate statement of the quantity of its contents, since the label upon each jar stated that the drained weight of the contents was 10½ ounces, and the average drained weight of the article was not in excess of 9.64 ounces.

DISPOSITION: October 10, 1944. The Superior Olive Products Co., Visalia, Calif., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be relabeled under the supervision of the Food and Drug Administration.

VEGETABLES AND VEGETABLE PRODUCTS

6950. Misbranding of onions. U. S. v. Rocky Ford Onion Growers Cooperative Association. Plea of guilty. Fine, \$500. (F. D. C. No. 11409. Sample Nos. 56340-F, 57803-F, 57907-F to 57911-F, incl.)

LIBEL FILED: On May 13, 1944, in the District of Colorado, against Rocky Ford Onion Growers Cooperative Association, a non-profit corporation, Rocky Ford and Crowley, Colo.

ALLEGED SHIPMENT: On or about October 7, 11, and 12, 1943, from the State of Colorado into the States of New York, Ohio, and Kansas.

LABEL, IN PART: (Sacks) "50 lbs. Net Wt. COLOVENCIA Rocky Ford Valencias Colorado Potato Growers Exchange," "Banner Brand Sweet Spanish Onions 50 Lbs. Net," or "50 Lbs. Net Wt. Rock-E-Ford Sweet Spanish Onions."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements, "50 Lbs. Net Wt." or "50 Lbs. Net," borne on the sacks containing the article, were false and misleading since the sacks contained a smaller amount; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: June 13, 1944. A plea of guilty was entered on behalf of the defendant, and a fine of \$100 on each of 5 counts was imposed.

6951. Adulteration of beans. U. S. v. 20 Bags of Beans. Default decree of destruction. (F. D. C. No. 13394. Sample No. 58986-F.)

LIBEL FILED: August 29, 1944, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about November 29 and December 8, 1943, from Kansas City, Mo.

PRODUCT: 20 bags, each containing 100 pounds, of beans at Richmond, Va., in the possession of Whitehead Bros.

This product had been stored, after shipment, under insanitary conditions. The bags had been gnawed by rodents and contained rodent excreta and urine stains. Examination showed that the article contained rodent excreta and rodent hairs, and had been contaminated with urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 27, 1944. No claimant appeared, and the product was ordered destroyed.

6952. Adulteration of dried mushrooms. U. S. v. 10 Cartons of Dried Mushrooms. Default decree of condemnation and destruction. (F. D. C. No. 13021. Sample No. 53996-F.)

LIBEL FILED: July 22, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about June 2 and 9, 1944, by the Russian Polish Importing Co., from Chicago, Ill.

PRODUCT: 10 cartons of dried mushrooms at Los Angeles, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: September 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6953. Adulteration of green split peas. U. S. v. 130 Sacks of Green Split Peas. Consent decree of condemnation. Product ordered released upon the deposit of cash collateral. (F. D. C. No. 13420. Sample No. 75861-F.)

LIBEL FILED: August 26, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about November 8, 1943, by the H. C. Knoke Co., from Chicago, Ill.

PRODUCT: 130 sacks, each containing 100 pounds, of green split peas at Buffalo, N. Y.

LABEL, IN PART: "E-Z Cookers Green Split Peas."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae weevils, and insect fragments.

DISPOSITION: October 9, 1944. Sattler's, Inc., Buffalo, N. Y., having appeared as claimant, judgment of condemnation was entered and the product was ordered released upon the deposit of cash collateral, for the segregation of the good portion from the bad under the supervision of the Food and Drug Administration.

6954. Adulteration of split peas. U. S. v. 109 Bags of Yellow Split Peas and 79 Bags of Green Split Peas. Consent decree of condemnation. Product ordered released under bond for disposition as animal feed. (F. D. C. No. 13122. Sample Nos. 75849-F, 75850-F.)

LIBEL FILED: August 2, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about September 28, 1943, from Spokane, Wash.

PRODUCT: 188 100-pound bags of split peas at Buffalo, N. Y., in the possession of the Market Terminal Warehouse.

The article was stored under insanitary conditions after shipment. Rodent pellets and urine stains were observed on the bags. Examination showed that the article contained larvae and larva fragments, and was contaminated with urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 6, 1944. The Spokane Seed Co., Spokane, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, for disposition as animal feed under the supervision of the Food and Drug Administration.

6955. Adulteration of canned green beans. U. S. v. 226 Cases of Green Beans. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11556. Sample No. 26396-F.)

LIBEL FILED: January 3, 1944, Western District of Louisiana.

ALLEGED SHIPMENT: On or about July 20, 1943, by the Geo. F. Porbeck Co., Inc., Little Rock, Ark.

PRODUCT: 226 cases, each containing 24 1-pound, 3-ounce cans, of green beans at Ruston, La.

LABEL, IN PART: (Cans) "Good Health Cut Green Beans * * * Packed For Crawford Canning Co. Green Forest, Ark."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance, as evidenced by sour and decomposed beans.

DISPOSITION: March 3, 1944. The Crawford Canning Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, to be brought into compliance with the law under the supervision of an employee designated by the Federal Security Administrator.

6956. Misbranding of canned peas. U. S. v. D. E. Foote & Co., Inc. Plea of guilty. Fine, \$100, plus costs. (F. D. C. No. 11357. Sample Nos. 35522-F, 46343-F, 46347-F.)

INFORMATION FILED: March 7, 1944, District of Maryland, against D. E. Foote & Co., Inc., Baltimore, Md.

ALLEGED SHIPMENT: On or about June 25 and 28, 1943, from the State of Maryland into the State of North Carolina.

LABEL, IN PART: "Family Brand [or "Foote's Best"] Early June Peas."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), in addition to the high alcohol-insoluble solids content, these peas were below standard because of the high percentage of ruptured peas; and, Section 403 (h) (2), the peas in two of the shipments also fell below the standard of fill of container.

DISPOSITION: May 25, 1944. The defendant entered a plea of guilty, and a fine of \$25 was imposed on each of 4 counts, or a total fine of \$100, plus costs.

6957. Misbranding of canned peas. U. S. v. 1,273 Cases and 250 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 12665, 12666. Sample No. 66793-F.)

LIBEL FILED: June 9, 1944, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about August 2, 1943, by Green Valley Food Products, from Germantown, Wis.

PRODUCT: 1,273 cases and 250 cases, each containing 24 cans, of canned peas at Oklahoma City, and Clinton, Okla.

The product was shipped unlabeled, and no written agreement existed between the shipper and consignee as to the labeling; the peas were invoiced as Standard Alaska unlabeled peas.

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), the article was below standard; and, Sections 403 (e) (1) and (2), it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

DISPOSITION: November 4, 1944. The Fleming Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be brought into compliance with the law under the supervision of the Food and Drug Administration.

6958. Misbranding of canned peas. U. S. v. Southern Packing Co., Inc. Plea of guilty. Fine of \$100, and costs. (F. D. C. No. 11378. Sample Nos. 37346-F, 46126-F, 46129-F, 53419-F, 53420-F.)

INFORMATION FILED: March 31, 1944, District of Maryland, against the Southern Packing Co, Baltimore, Md.

ALLEGED SHIPMENT: From on or about July 12 to August 16, 1943, from the State of Maryland into the States of West Virginia and South Carolina.

LABEL, IN PART: "Value Brand Early June Peas," or "Mountain Lake Brand June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was substandard since it contained an excessive amount of alcohol-insoluble solids, and since in one portion the skins of more than 25 percent by count of the peas in the container were ruptured to a width of more than $\frac{1}{16}$ of an inch.

DISPOSITION: June 2, 1944. A plea of guilty was entered, and a fine of \$25 was imposed on each of 4 counts, plus costs.

6959. Adulteration of canned spinaeh. U. S. v. 77 Cases of Canned Spinaeh (and 4 other seizure actions against canned spinach). Default decrees of condemnation and destruction. (F. D. C. Nos. 12927, 12928, 13230, 13435, 13436. Sample Nos. 54834-F, 54844-F, 69358-F, 69359-F, 87508-F.)

LIBELS FILED: Between July 11 and September 2, 1944, Eastern District of Wisconsin, Western District of Wisconsin, and District of Montana.

ALLEGED SHIPMENT: On or about January 31, February 7, and February 8, 1944, by the Meyer Canning Co., from Edinburg, Tex.

PRODUCT: 77 cases and 123 cases of canned spinach at Milwaukee, Wis., 27 cases at Wisconsin Rapids, Wis., and 33 cases and 43 cases at Great Falls, Mont., each case containing 24 cans.

LABEL, IN PART: (Cans) "Gold Inn Brand Spinach Contents 1 Lb. 2 Oz."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), (all lots) the product was unfit for food by reason of the presence of sand and dirt; and, Section 402 (b) (4), (lots at Milwaukee) sand and dirt had been mixed and packed with the product so as to reduce its quality.

DISPOSITION: Between August 15 and November 3, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6960. Adulteration of turnip greens. U. S. v. 184 Cases of Turnip Greens. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 13260. Sample Nos. 80650-F, 80651-F.)

LIBEL FILED: August 17, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 3, 1943, by Central Cannery, Inc., for Whiteside Cannery, from Fayetteville, Ark.

PRODUCT: 184 cases, each containing 24 1-pound, 11-ounce cans, of turnip greens at St. Louis, Mo.

Examination showed that the turnip greens contained an average of 7 pieces of grass per can, the blades averaging 1 to 17 inches in length.

LABEL, IN PART: (Cans) "Mayfair Turnip Greens."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), grass had been substituted in part for turnip greens; and, Section 402 (b) (4), grass had been mixed and packed with the product so as to reduce its quality.

DISPOSITION: October 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for its use.

6961. Adulteration of canned sweetpotatoes. U. S. v. 137 Cases of Canned Sweet Potatoes. Decree of condemnation and destruction. (F. D. C. No. 13016. Sample No. 69160-F.)

LIBEL FILED: July 25, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about April 13, 1944, by John H. Dulany & Son, from Fruitland, Md.

PRODUCT: 137 cases, each containing 24 cans, of sweetpotatoes at Denver, Colo. The product was sour and decomposed.

LABEL, IN PART: (Cans) "J. H. D. [or "Dulany"] Dry Pack Mashed Sweet Potatoes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6962. Adulteration and misbranding of asparagus puree. U. S. v. 165 Cases of Asparagus Puree. Default decree of condemnation and destruction. (F. D. C. No. 13023. Sample No. 77941-F.)

LIBEL FILED: July 22, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 28, 1943, by the Edgar F. Hurff Co. from Swedesboro, N. J.

PRODUCT: 165 cases, each containing 6 No. 10 cans, of asparagus puree at Philadelphia, Pa.

LABEL, IN PART: (Cans) "Hurff Asparagus Puree."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (a), the name on the label, "Asparagus Puree," was misleading in the absence of a statement revealing the material fact that the article was produced from asparagus butts.

DISPOSITION: August 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6963. Adulteration of frozen beans. U. S. v. 598 Cases and 598 Cases of Frozen Beans (and 2 other seizure actions against frozen beans). Default decrees of condemnation and destruction. (F. D. C. Nos. 13509 to 13511, incl. Sample Nos. 74834-F, 74835-F.)

LIBELS FILED: September 9, 1944, Northern District of Indiana.

ALLEGED SHIPMENT: On or about October 11, 1943, by the Southland Products Co., Webster, N. Y.

PRODUCT: 1,196 cases, 185 cases, and 21 cases, each containing 25 pounds, of frozen beans, at Elkhart, Ind.

This product was sour and decomposed.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS

6964. Adulteration of almonds in shell. U. S. v. 5 Bags of Almonds. Default decree of condemnation and destruction. (F. D. C. No. 13645. Sample No. 50093-F.)

LIBEL FILED: September 8, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about October 15, 1943, by the California Almond Growers Exchange, from San Francisco, Calif.

PRODUCT: 5 bags, each containing 25 pounds, of almonds in shell, at Olean, N. Y.

LABEL, IN PART: "California Almonds Fancy Blue Diamond Brand * * * Variety I. X. L."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: October 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6965. Adulteration of shelled almonds. U. S. v. 1 Bag of Shelled Almonds. Consent decree of condemnation. Product ordered distributed to a Federal institution, for use as hog feed. (F. D. C. No. 13373. Sample No. 81857-F.)

LIBEL FILED: On or about August 22, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about February 8, 1944, by T. M. Duche & Sons, Inc., from Philadelphia, Pa.

PRODUCT: 1 bag, containing 110 pounds, more or less, of shelled almonds, at New Haven, Conn.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect excreta, and webbing.

DISPOSITION: September 12, 1944. The consignee having consented to the entry of an order for immediate destruction of the product, judgment of condemnation was entered and the product was ordered distributed to a Federal institution, for use as hog feed.

6966. Adulteration of shelled almonds. U. S. v. 1 Jute Bale of Shelled Almonds. Default decree of condemnation. Product ordered delivered to the National Zoological Park. (F. D. C. No. 13372. Sample No. 79599-F.)

LIBEL FILED: August 19, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about July 14, 1944, from New York, N. Y.

PRODUCT: 1 jute bale, containing about 208 pounds, of shelled almonds, at Washington, D. C., in the possession of Original Velati's.

This product had been stored, after shipment, under insanitary conditions. The bag was rodent-gnawed and contained rodent pellets. Examination disclosed the presence of larvae, insect fragments, and rodent hair fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park, for its use and not for sale.

6967. Adulteration of peanuts. U. S. v. 40 Bags, 225 Bags, 250 Bags, and 310 Bags of Peanuts. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. No. 13217. Sample Nos. 50072-F to 50075-F, incl.)

LIBELS FILED: August 10, 1944, Western District of New York.

ALLEGED SHIPMENT: From on or about February 16 to April 13, 1944, from Franklin, and Suffolk, Va.

PRODUCT: 825 bags, each containing 92 pounds, of peanuts at Buffalo, N. Y., in the possession of the Market Terminal Warehouse.

This product has been stored, after shipment, under insanitary conditions. Investigation showed heavy insect infestation throughout the warehouse. Examination disclosed the presence of larvae in the product.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 14, 1944. The Buffalo Nut Shops, Inc., Buffalo, N. Y., claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond, to be brought into compliance with the law under the supervision of the Food and Drug Administration.

6968. Adulteration of peanuts. U. S. v. 200 Bags and 6,395 Bags of Peanuts. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 12969, 12970. Sample Nos. 79562-F to 79581-F, incl.)

LIBELS FILED: July 17, 1944, District of Columbia.

PRODUCT: 3,574 bags, each containing 120 pounds, 2,878 bags, each containing 115 pounds, and 143 bags, of peanuts, at Washington, D. C., in the possession of the Terminal Refrigerating & Warehousing Corp.

This product had been stored under insanitary conditions after shipment. The storage space was overrun with mice, and the bags had been gnawed by rodents and were urine-stained. Spilled peanuts and rodent excreta were found on the bags and surrounding area. Examination disclosed the presence of rodent-chewed peanuts, rodent excreta, and rodent hairs in the product.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On August 17, 1944, the Gold Craft Co., Washington, D. C., having appeared as claimant for 200 bags of the peanuts and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, for denaturing into animal feed. On August 30, 1944, the claimant having decided to abandon its plan for the denaturing, an amended decree was entered providing for the delivery of the product to the National Zoological Park, for use as animal feed. On September 7, 1944, Safeway Stores, Inc., having appeared as claimant for the remainder of the product, judgment of condemnation was entered and it was ordered released under bond, for conversion into oil for technical use, fertilizer, and animal feed. On September 28, 1944, an amended decree was entered extending the time in which to complete the conversion of the product. On October 6, 1944, an order to further amend the decree was entered providing for the segregation of the good portion from the bad, under the supervision of the Food and Drug Administration, the good portion to be released for human consumption.

6969. Adulteration of shelled peanuts. U. S. v. 200 Bags of Shelled Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13251. Sample No. 87330-F.)

LIBEL FILED: August 17, 1944, Northern District of Iowa.

ALLEGED SHIPMENT: On or about November 10, 1943, by the Alabama Warehouse Co., Inc., from Troy, Ala.

PRODUCT: 200 bags, each containing 125 pounds, of shelled peanuts at Sioux City, Iowa.

LABEL, IN PART: "No. 1 Shelled Runner Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: September 8, 1944. The Tolerton & Warfield Co., Sioux City, Iowa, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be brought into compliance with the law under the supervision of the Food and Drug Administration.

6970. Adulteration of shelled Spanish peanuts. U. S. v. 215 Bags and 215 Bags of Shelled Spanish Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13644. Sample Nos. 72458-F, 72459-F.)

LIBEL FILED: September 7, 1944, Southern District of Iowa.

ALLEGED SHIPMENT: On or about June 20 and 27, 1944, by Burroughs & Jennings, from San Antonio, Tex. .

PRODUCT: 215 bags, containing about 118 pounds each, and 215 bags, containing about 121 pounds each, of shelled Spanish peanuts, at Des Moines, Iowa.

This product contained beetles, larvae, and dirty, moldy, and decomposed peanuts.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance.

DISPOSITION: October 30, 1944. The Peanut Products Co., Des Moines, Iowa, having admitted all the allegations of the libel except as to the number of bags subject to the action (only 177 bags were seized), judgment of condemnation was entered and the product was ordered released under bond, for conversion into peanut oil and peanut cake and meal, to be used for purposes other than human consumption, under the supervision of the Food and Drug Administration.

6971. Adulteration of shelled Spanish peanuts. U. S. v. 165 Bags of Shelled Spanish Peanuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13950. Sample No. 72979-F.)

LIBEL FILED: October 16, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about July 22, 1944, by the Durham Pecan & Peanut Co., from Comanche, Tex.

PRODUCT: 165 bags, each containing approximately 125 pounds, of shelled Spanish peanuts at San Francisco, Calif.

LABEL, IN PART: "Hand Picked Shelled Spanish Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: November 10, 1944. The Phillips Products Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, to be brought into compliance with the law under the supervision of the Food and Drug Administration.

6972. Adulteration of shelled peanuts. U. S. v. 120 Bags of Shelled Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13252. Sample No. 87608-F.)

LIBEL FILED: August 17, 1944, Northern District of Iowa.

ALLEGED SHIPMENT: On or about November 10, 1943, by the Farmer's Gin Co., from Edison, Ga.

PRODUCT: 120 bags, each containing 120 pounds, of shelled peanuts at Sioux City, Iowa.

LABEL, IN PART: "Runner."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect excreta, and webbing.

DISPOSITION: September 8, 1944. The Tolerton & Warfield Co., Sioux City, Iowa, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be brought into compliance with the law under the supervision of the Food and Drug Administration.

6973. Adulteration of shelled peanuts. U. S. v. 834 Bags, 420 Bags, and 421 Bags of Peanuts. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. No. 13202. Sample Nos. 75554-F, 75555-F, 75626-F, 75627-F.)

LIBELS FILED: August 10, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: From on or about March 30 to April 28, 1944, by the Georgia Peanut Co., from Moultrie, Ga., Brundidge, Ala., and Marianna, Fla.

PRODUCT: 834 bags and 420 bags, each containing 120 pounds, and 421 bags, each containing 117 pounds, of shelled peanuts, at Pittsburgh, Pa.

LABEL, IN PART: (Some portions) "No. 1 Runners."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: September 14, 1944. The Lik-Em Peanut Co., Inc., Pittsburgh; Pa., having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, to be brought into compliance with the law under the supervision of the Food and Drug Administration.

6974. Adulteration of shelled peanuts. U. S. v. 3 Bags of Shelled Peanuts. Consent decree of condemnation. Product ordered distributed to a Federal institution, for use as hog feed. (F. D. C. No. 13374. Sample No. 81858-F.)

LIBEL FILED: On or about August 22, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about May 22, 1944, by the National Peanut Corp., from Suffolk, Va.

PRODUCT: 3 bags, each containing 115 pounds, of shelled peanuts, at New Haven, Conn.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, cocoons, beetles, insect excreta, and webbing.

DISPOSITION: September 12, 1944. The consignee having consented to the entry of an order for immediate destruction of the product, judgment of condemnation was entered and the product was ordered distributed to a Federal institution, for use as hog feed.

6975. Adulteration of shelled peanuts. U. S. v. 215 Bags of Peanuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13643. Sample No. 75632-F.)

LIBEL FILED: September 8, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 19, 1944, by the Southern Cotton Oil Co., from Valdosta, Ga.

PRODUCT: 215 bags, each containing 125 pounds, of shelled peanuts at Bedford, Pa.

This product contained larvae and moldy and decomposed peanuts.

LABEL, IN PART: "Runner Peanuts Valca."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance.

DISPOSITION: October 9, 1944. Calton Heckerman, Bedford, Pa., having admitted all the allegations of the libel except as to the number of bags subject to the action (only 104 bags were seized), judgment of condemnation was entered and the product was ordered released under bond for sale to an oil mill, the sale and disposition of the product to be under the supervision of the Food and Drug Administration.

6976. Adulteration of shelled peanuts. U. S. v. 1,200 Bags of Shelled Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13388. Sample Nos. 92805-F to 92807-F, incl.)

LIBEL FILED: August 25, 1944, District of Columbia.

PRODUCT: 800 bags, each containing 115 pounds, and 400 bags, each containing 125 pounds, of shelled peanuts at Washington, D. C., in the possession of the Terminal Refrigerating and Warehousing Corp. Received for storage on or about March 29 and April 3 and 5, 1944.

The peanuts were stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed and contained rodent pellets. Examination of samples showed that the article contained rodent pellets and gnawed peanuts.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 20, 1944. Safeway Stores, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be pressed into oil for technical use, the residue to be used for fertilizer or animal feed, under the supervision of the Food and Drug Administration. A portion subsequently having been found fit for human consumption, an amended decree was entered on October 6, 1944, ordering its release.

6977. Adulteration of shelled pignolia nuts. U. S. v. 1 Case of Shelled Pignolia Nuts. Consent decree of condemnation. Product ordered distributed to a Federal institution, for use as hog feed. (F. D. C. No. 13375. Sample No. 81856-F.)

LIBEL FILED: On or about August 22, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about May 8, 1944, by Zaloom & Co., from New York, N. Y.

PRODUCT: 1 60-pound case of shelled pignolia nuts, at New Haven, Conn.

LABEL, IN PART: "R. E. 4010 Shelled Pignolias Product of Spain Packed By Ramon Vilella Reus (Spain)."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, moths, and cocoons.

DISPOSITION: September 12, 1944. The owner having consented to the entry of an order for immediate destruction of the product, judgment of condemnation was entered and the product was ordered distributed to a Federal institution, for use as hog feed.

6978. Adulteration of shelled walnuts. U. S. v. 39 Cases of Shelled Walnuts. Default decree of condemnation and destruction. (F. D. C. No. 13918. Sample No. 75114-F.)

LIBEL FILED: October 6, 1944, Eastern District of Washington.

ALLEGED SHIPMENT: On or about May 4, 1944, by the Sunset Nut Shelling Co., Whittier, Calif.

PRODUCT: 39 cases, each containing 25 pounds, of shelled walnuts at Wenatchee, Wash.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of worm-damaged and moldy walnut meats.

DISPOSITION: November 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6979. Misbranding of peanut butter. U. S. v. 288 Dozen Jars of Peanut Butter. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12158. Sample No. 76452-F.)

LIBEL FILED: On or about April 14, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about January 19, 1944, by the Chunk-E-Nut Products Co., from Philadelphia, Pa.

PRODUCT: 288 dozen jars of peanut butter at Paterson, N. J.

LABEL, IN PART: (Jar lid) "Radiant Ray Peanut Butter Moss Bros. Nut Co. Philadelphia, Pittsburgh Net Contents 10 Ounces."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement on the label, "Net Contents 10 Ounces," was false and misleading as applied to the article, which was short-weight; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: July 3, 1944. Zelda K. Moss and Joseph D. Moss, trading as the Chunk-E-Nut Products Co., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be relabeled under the supervision of the Food and Drug Administration.

6980. Adulteration of peanut butter. U. S. v. 20 Cases and 88 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. Nos. 13322, 13603. Sample Nos. 63724-F, 79805-F.)

LIBELS FILED: August 8 and September 5, 1944, District of Columbia and Western District of North Carolina.

ALLEGED SHIPMENT: On or about July 2 and 13, 1944, by Southgate Foods, from Norfolk, Va.

PRODUCT: 20 cases, each containing 24 1-pound jars, of peanut butter at Washington, D. C., and 88 cases, each containing 24 1-pound jars, at Shelby, N. C.

LABEL, IN PART: (Jars) "Lynnhaven Brand Peanut Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirt.

DISPOSITION: September 5 and October 14, 1944. No claimants having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SPICES, FLAVORS, AND SEASONING MATERIALS

6981. Adulteration of chili peppers. U. S. v. 16 Straw Containers of Chili Peppers. Consent decree of condemnation. Product ordered released under bond or upon deposit of cash collateral. (F. D. C. No. 13218. Sample No. 39573-F.)

LIBEL FILED: August 11, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about March 14, 1944, by the Banco Mercantile Co., from Laredo, Tex.

PRODUCT: 16 straw containers, each containing about 400 pounds, of chili peppers, at Los Angeles, Calif.

Examination disclosed the presence of moldy peppers and larvae, pupae, and insect excreta in the product.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed and filthy substance.

DISPOSITION: September 11, 1944. The XLNT Spanish Food Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and product was ordered released upon the execution of a bond or the deposit of cash collateral, conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

6982. Adulteration of chili peppers. U. S. v. 127 Bags of Chili Peppers. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13481. Sample No. 74052-F.)

LIBEL FILED: September 5, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about December 10, 1943, from Mexico.

PRODUCT: 127 bags, each containing approximately 135 pounds, of chili peppers at Vernon, Calif., in the possession of the Federal Ice & Cold Storage Co.

The product was stored under insanitary conditions after shipment. It was rodent-gnawed through open ends of the bags, and rodent pellets and urine stains were observed on the bags. Examination showed that the article was rodent-gnawed and contained rodent hair fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 25, 1944. The Walkers Austex Chili Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be brought into compliance with the law under the supervision of the Federal Security Agency. The unfit portion was segregated and denatured for use as poultry feed.

6983. Adulteration of chili pods. U. S. v. 10 Cartons of Chili Pods. Default decree of condemnation and destruction. (F. D. C. No. 13058. Sample No. 69727-F.)

LIBEL FILED: July 28, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about February 27, 1944, by the G. B. Gentry Co., Los Angeles, Calif.

PRODUCT: 10 cartons, each containing 25 pounds, of chili pods at Amarillo, Tex.

This product contained moths, larvae, webbing, insect excreta, and moldy peppers.

LABEL, IN PART: (Cartons) "Gentry's Fancy Mexican Chili Pods."

VIOLATION CHARGED: Adulteration, Section 402 (a)(3), the product consisted in whole or in part of a filthy and decomposed substance.

DISPOSITION: October 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6984. Adulteration of coriander seed. U. S. v. 4 Bags of Coriander Seed. Decree of condemnation and destruction. (F. D. C. No. 13106. Sample No. 69186-F.)

LIBEL FILED: August 2, 1944. District of Colorado.

ALLEGED SHIPMENT: On or about April 22, 1943, by the Thomson & Taylor Division, the Warfield Co., from Chicago, Ill.

PRODUCT: 4 100-pound bags of coriander seed, at Brighton, Colo.

LABEL, IN PART: "Whole Bleached Coriander Seed."

VIOLATION CHARGED: Adulteration, Section 402 (a)(3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, beetle fragments, and insect-eaten seeds.

DISPOSITION: August 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6985. Adulteration and misbranding of garlic flavoring. U. S. v. 1 Drum of Garlic Flavoring. Default decree of condemnation and destruction. (F. D. C. No. 11913. Sample No. 62409-F.)

LIBEL FILED: February 26, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 3, 1943, by Basic Food Materials, Inc., from Cleveland, Ohio.

PRODUCT: 1 drum, containing 25 pounds, of garlic flavoring at St. Louis, Mo.

LABEL, IN PART: "Basic Food Materials BFM Soluble Garlic Flavoring."

VIOLATIONS CHARGED: Adulteration, Section 402 (b)(2), a substance containing asafetida had been substituted in whole or in part for soluble garlic flavoring.

Misbranding, Section 403 (a), the label statement, "Soluble Garlic Flavoring Ingredients containing in a refined carrier of salt (sodium chloride), the natural flavoring substances, essential oils and extractives of the following: True Distilled Oil of Garlic 1 oz. of this material is approximately the equivalent of 10 ozs. of fresh garlic," was false and misleading as applied to an article containing asafetida.

DISPOSITION: April 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6986. Adulteration of mustard bran. U. S. v. 65 Bags of Mustard Bran. Default decree of condemnation and destruction. (F. D. C. No. 12075. Sample No. 72674-F.)

LIBEL FILED: March 23, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 16, 1941, by the McCormick Sales Co., from Baltimore, Md.

PRODUCT: 65 bags, each containing approximately 72 pounds, of mustard bran at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a)(3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, cast skins, and insect fragments.

DISPOSITION: May 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6987. Adulteration of mixed pickling spice. U. S. v. 8 Bags of Mixed Pickling Spice. Default decree of condemnation and destruction. (F. D. C. No. 13651. Sample No. 71340-F.)

LIBEL FILED: September 16, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about July 22, 1944, by the Crescent Manufacturing Co., from Seattle, Wash.

PRODUCT: 8 100-pound bags of mixed pickling spice, at Portland, Oreg.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and insect excreta.

DISPOSITION: November 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6988. Adulteration of cream of tartar. U. S. v. 5 Drums of Cream of Tartar. Default decree of condemnation and destruction. (F. D. C. No. 10965. Sample No. 50607-F.)

LIBEL FILED: October 18, 1943, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 17, 1943, by the Legion Products Co., from New York, N. Y.

PRODUCT: 5 drums of cream of tartar at Philadelphia, Pa.

LABEL, IN PART: "Cream of Tartar Mfd. By the Bocker Chemical Co. Morganville, N. J."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), in the case of a portion of the article (1 drum), a mixture of sodium bicarbonate and tartaric acid had been substituted wholly for cream of tartar.

The article was also alleged to be adulterated under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: February 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold. On May 15, 1944, the decree was amended to provide for the destruction of the product.

6989. Misbranding of cream of tartar. U. S. v. 21 Dozen Packages of Cream of Tartar (and 1 other seizure action against cream of tartar). Default decrees of condemnation. Portion of product ordered delivered to a charitable institution; remainder ordered destroyed. (F. D. C. Nos. 10781, 11072. Sample Nos. 35613-F, 35631-F.)

LIBELS FILED: September 16, 1943, Southern District of Georgia; November 11, 1943, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about April 13 and July 27, 1943, by the Crescent Sales Co., from Jacksonville, Fla.

PRODUCT: 9 dozen packages of cream of tartar at Charleston, S. C., and 21 dozen packages at Savannah, Ga.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement on the label of the article, "Net Weight 1 Ounce," was false and misleading as applied to an article which was short-weight; Section 403 (e) (2), the label of the article failed to bear an accurate statement of the quantity of the contents; and, Section 403 (d), the container with respect to one portion of the article was so filled as to be misleading, since the article occupied only approximately 35 percent of the total capacity of the container.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in the notices of judgment on drugs and devices, No. 1142.

DISPOSITION: October 28, 1943, and January 8, 1944. No claimant having appeared, judgments of condemnation were entered and a portion of the product was ordered delivered to a charitable institution and the remainder was ordered destroyed.

6990. Adulteration of miscellaneous food products. U. S. v. 100 Pounds of Marjoram, 50 Pounds of Ground Chicory, 100 Pounds of Coriander Seed, 75 Pounds of Sarsaparilla Root, and 75 Pounds of Ground Ginger Root. Default decree of condemnation and destruction. (F. D. C. No. 10177. Sample Nos. 20723-F, 20725-F, 20727-F, 20729-F, 20730-F.)

LIBEL FILED: July 2, 1943, District of Massachusetts.

ALLEGED SHIPMENT: From New York, N. Y., and Jersey City, N. J., within the period from on or about January 16, 1941, to December 9, 1942.

PRODUCT: Marjoram, ground chicory, coriander seed, sarsaparilla root, and ground ginger root, in the quantities mentioned above, at Boston, Mass., in the possession of the G. S. Cheney Co., Inc.

These products were stored, after shipment, in rooms which were overrun with rats and exceedingly filthy. Examination disclosed that the marjoram was contaminated with rodent excreta pellets; that the ground chicory contained rodent excreta pellets and dead moths; that the coriander seed contained weevils and rodent hairs, and a material proportion was worm-eaten; that the sarsaparilla root was contaminated with rodent excreta pellets; and that the ground ginger root contained a large number of dead weevils.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

The articles, with the exception of the ground chicory, were also alleged to be adulterated under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: August 2, 1943. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

MISCELLANEOUS FOODS

6991. Adulteration of pancake mix, cake mix, doughnut mix, and waffle mix. U. S. v. 13 Drums of Flour Mixes. Default decree of condemnation and destruction. (F. D. C. No. 13352. Sample No. 75389-F.)

LIBEL FILED: August 18, 1944, Northern District of West Virginia.

ALLEGED SHIPMENT: From on or about January 26 to July 22, 1943, by the Doughnut Corp. of America, from Ellicott City, Md.

PRODUCT: 9 50-pound drums and 4 25-pound drums of flour mixes at Wheeling, W. Va.

LABEL, IN PART: "Egg Pancake Mix," "Downyflake Spice Cake Mix," or "Doughnut Mix," or "Waffle Mix."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect fragments.

DISPOSITION: September 11, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

6992. Misbranding of soup mix. U. S. v. 1,390 Cases of Soup Mix. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 13213. Sample No. 75421-F.)

LIBEL FILED: August 9, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about June 10, 1944, by the Wm. S. Scull Co., from Dayton, Ohio.

PRODUCT: 1,390 cases, each containing 48 boxes, of soup mix, at North Rose, N. Y.

LABEL, IN PART: "Minute Man Vegetable Soup Mix 1½ Oz. Net Manufactured by Alaska Pacific Salmon Co., Sodus, New York."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading, since the soup mix occupied, on an average, less than 40 percent of the volume of the box.

DISPOSITION: October 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to various charitable institutions.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

6993. Misbranding of Bepep Concentrates (vitamin B food tablets). U. S. v. 198 Bottles and 336 Bottles of Bepep Concentrates, and a Number of Display Cards, Posters, and Pamphlets. Default decree of condemnation and destruction. (F. D. C. No. 11769. Sample Nos. 50309-F, 50310-F.)

LIBEL FILED: February 10, 1944, Northern District of Ohio. Amended libel filed June 19, 1944, to cover seizure of additional amounts of the article and to correct name of shipper.

ALLEGED SHIPMENT: On or about November 1, 1943, by the Bepep Sales Corp. Pittsburgh, Pa.

PRODUCT: 226 bottles, each containing 100 tablets, and 468 bottles, each containing 25 tablets, of Bepep Concentrates, and a number of display cards, posters, and pamphlets, at Youngstown, Ohio.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements in the accompanying display cards entitled, "Bepep Highest Quality B Complex Vitamin Tablets," in posters entitled, "For More Nutrition . . . Supplement Your Rationed Food with Bepep", and in pamphlets entitled, "Keeping Fit with Bepep Vitamin Tablets," were false and misleading since they represented and suggested that three out of four people are not getting enough of the vitamins supplied by the article; that a modern well-balanced diet supplies an

inadequate amount of the vitamins of the B complex; that use of the article would correct or prevent weakness, nervousness, poor appetite, impaired growth, loss of hair, lack of vigor, pellagra, skin diseases, and fatigue, and insure growth, health, pep, vigor, beauty, and physical fitness; and that the article would supply all of the nutritional elements of meat, dairy products, vegetables, fruits, and eggs; and the statements which appeared on the label of the 25-tablet size package, "A day's supply of 3 tablets contains 27,140 micrograms," and "Other B-Complex factors in 5 grs. defatted, dehydrated wheat germ 3,250 micrograms," were misleading since they suggested that the article contained large amounts of nutritional factors and significant amounts of wheat germ, whereas it did not.

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man, by reason, in part, of its content of the vitamin substances pyridoxine hydrochloride and pantothenic acid, but its label failed to bear, as required by the regulations, the statement that the need for those vitamin substances in human nutrition has not been established; and, Section 403 (f), the information concerning the quantity, the common or usual name of the article, the ingredients therein, and its vitamin properties, required to appear in the labeling of the article, did not appear therein with sufficient prominence, as compared with other words, statements, designs, or devices in the labeling, to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the information was set forth inconspicuously on the back label of the bottle and failed to appear at all on the carton containing the 100-tablet size bottle.

DISPOSITION: July 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6994. Misbranding of Bezon Whole Natural Vitamin B Complex. U. S. v. 312 Bottles and 156 Bottles of Bezon Capsules. Default decree of condemnation and destruction. (F. D. C. No. 11687. Sample No. 41426-F.)

LIBEL FILED: On or about February 1, 1944, Southern District of Texas.

ALLEGED SHIPMENT: On or about October 28, 1943, by the Nutrition Research Laboratories, from Chicago, Ill.

PRODUCT: 312 100-tablet size bottles and 156 30-tablet size bottles of Bezon Capsules at Houston, Tex.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements in the leaflet entitled, "Bezon Whole Natural Vitamin B Complex," which was shipped with the article, "Bezon * * * Contains All 16 Factors * * * What was formerly called Vitamin B is now known to be a group of 16 or more distinct vitamins—each with its specific job to do * * * Only in the Whole Natural Vitamin B Complex can all 16 vitamin B factors be obtained," were misleading in the absence of the material fact that 16 factors of vitamin B are not generally recognized by authorities in the vitamin field, and that of all the so-called vitamin B factors, only in the case of thiamine, riboflavin, and niacin has the need in human nutrition been established; the statements in the leaflet, and the pictures of organs of the body, accompanied by the words, "Heart," "Mouth," "Nervous System," "Skin," "Stomach," "Eye," and "Colon," were misleading since they created the impression that there is a special need of the human body for the vitamin B complex over that for other food elements, that the vitamin B complex in adequate amounts would not be supplied by ordinary foods alone, and that nervousness, fatigue, loss of appetite, chronic alcoholism, muscle weakness, constipation, skin disorders, dizziness, neuritis, and nutritional anemia are caused by deficiencies in vitamin B complex and would be remedied by the article; and the statements in the leaflet, "Note these Advantages of Bezon * * * Balanced—A proper balance—a natural balance between all the various factors," were misleading since they created the erroneous impression that the constituents of the article were proportioned so as to supply the various factors in a ratio exactly suited to the user's needs.

Further misbranding, Section 403 (a), the statements, "Bezon for Buoyant Health All factors of Natural Vitamin B Complex are essential for Optimum Nutrition," and "Bezon for Dynamic Energy All factors of Natural Vitamin B Complex are essential for Optimum Nutrition," borne on display cards shipped with the article, were misleading since use of the article would not restore nor maintain buoyant health and dynamic energy, and the need for many of the factors of natural vitamin B complex in human nutrition has not been established.

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man, by reason of its vitamin content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for riboflavin supplied by the food when consumed in a specified quantity during a period of 1 day.

DISPOSITION: April 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6995. Misbranding of Dr. Corley's Alkaline Broth. U. S. v. Dr. Buren L. Corley (Dr. Corley's Products). Plea of guilty. Fine, \$450. (F. D. C. No. 10540. Sample Nos. 12857-F to 12859-F, incl., 12861-F.)

INFORMATION FILED: September 16, 1943, Northern District of California, against Dr. Buren L. Corley, trading as Dr. Corley's Products, San Francisco, Calif.

ALLEGED SHIPMENT: On or about July 7, 1942, from the State of California into the State of Oregon.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the labeling of the article was misleading, since it failed to reveal the fact that the article contained insignificant and inconsequential amounts of the minerals declared on the label, and that when used as directed would contribute in an unimportant respect to the requirements of the body for the minerals, which fact was material in light of the following representations appearing in the labeling of one portion of the article, "(Concentrated) * * * Formula Potassium Calcium Iron Phosphorus Sulphur Sodium Magnesium Silicon Chlorine," and in the labeling of all portions of the article, "Contains Calcium, Sodium, Potassium, Iron and other necessary minerals required by the body"; Section 403 (j), the article purported to be and was represented as a food for special dietary use by man, by reason of the mineral properties in respect of calcium, phosphorus, and iron in one portion, and calcium and iron in the remaining portion of the article, and its label did not bear, as required by the regulations, statements of the proportion of the minimum daily requirements for calcium, phosphorus, and iron which would be supplied by the article when consumed as directed during a period of 1 day; and, Section 403 (i) (2), (portion of article) it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

The Alkaline Broth and another article were also misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: November 30, 1943. A plea of guilty was entered, and a total fine of \$450 was imposed, \$150 on the counts involving foods, and \$300 on the counts involving drugs.

6996. Misbranding of Floritone. U. S. v. Frank Tibbetts and Nancy Tibbetts (Vitolectic Food Co.). Pleas of guilty. Fines of \$250 against each defendant. (F. D. C. No. 10630. Sample No. 19222-F.)

INFORMATION FILED: February 8, 1944, District of Rhode Island, against Frank Tibbetts and Nancy Tibbetts, the latter owning and operating a business under the firm name of Vitolectic Food Co., Providence, R. I.

ALLEGED SHIPMENT: On or about April 12, 1943, from the State of Rhode Island into the State of Massachusetts.

PRODUCT: Analysis disclosed that the product consisted essentially of whey dextrin, and sugars such as glucose and milk sugar.

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements in the labeling of the article were false and misleading since they represented and suggested and created in the mind of the reader the impression that the article, when used in accordance with the suggestions for use on the label, would be efficacious in increasing the body weight and in causing a reduction in body weight, and would be efficacious in the cure, mitigation, treatment, or prevention of diarrhea and toxemia.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: February 10, 1944. The defendants entered pleas of guilty, and the court fined each of them \$125 on each of the 2 counts, a total of \$250 against each defendant.

6997. Adulteration and misbranding of King's A-B-D-G Capsules. U. S. v. 42 Dozen Packages of King's A-B-D-G Capsules. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 10377. Sample No. 6885-F.)

LIBEL FILED: August 7, 1943, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 1 and April 4, 1943, by the American Pharmaceutical Co., Inc., from New York, N. Y.

PRODUCT: 42 dozen packages, each containing 250 vitamin capsules, at St. Louis, Mo.

Examination showed that the product was 25 percent deficient in vitamin B₁.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label statements, "Vitamin B₁—Thiamin Chloride 1 mg.—333 U. S. P. Units * * * Enclosed in a gelatine capsule" and "One capsule daily provides the minimum adult daily requirement of Vitamin B₁," were false and misleading since the article did not contain the stated amount of vitamin B₁, and one capsule daily would not provide the minimum adult daily requirement of vitamin B₁; and, Section 403 (f), the mandatory label statements required by the regulations concerning its vitamin properties were not placed on the label with sufficient prominence (as compared with other words, statements, designs, or devices on the label) to render them likely to be read by the ordinary individual under customary conditions of purchase or use, since they appeared inconspicuously on the back of the package.

DISPOSITION: May 17, 1944. The American Pharmaceutical Co., Inc., claimant, having admitted the allegations of misbranding in the libel, judgment of condemnation was entered and the product was ordered released under bond, to be repackaged and brought up to the declared vitamin potency under the supervision of the Food and Drug Administration.

6998. Misbranding of liver, iron, and vitamin B₁ capsules. U. S. v. 3 Cartons of Liver, Iron, and Vitamin B₁ Capsules, and 197 Bottles of Zillifer B Capsules. Default decree of condemnation and destruction. (F. D. C. No. 12682. Sample No. 81646-F.)

LIBEL FILED: June 13, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about December 8, 1943, by the Freshman Vitamin Co., from Detroit, Mich.

PRODUCT: 3 cartons, each containing 10,000 liver, iron, and vitamin B₁ capsules, and 197 bottles, each containing 100 capsules, at Flushing, Long Island, N. Y.

The product had been shipped in cartons, and a portion had been repackaged by the consignee into bottles.

LABEL, IN PART: (When shipped) "Formula 57 Liver Iron & Vitamin B₁ Capsules"; (portion repacked) "Zillifer B Capsules."

VIOLATIONS CHARGED: Misbranding, Section 403 (j), when introduced into interstate commerce, the article purported to be a food for special dietary uses by man, by reason of its vitamin B₁ and iron content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for vitamin B₁ and iron supplied by a specified quantity of the article when consumed during a period of 1 day.

DISPOSITION: August 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6999. Adulteration and misbranding of Patten's Vitamin and Mineral Tablets. U. S. v. 15,000 Patten's Vitamin and Mineral Tablets. Default decree of condemnation and destruction. (F. D. C. No. 12273. Sample No. 70978-F.)

LIBEL FILED: On or about May 2, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about February 8, 1944, by Patten Concentrates, Inc., from Burbank, Calif.

PRODUCT: 15,000 of the above-named tablets at Portland, Oreg.

Examination showed that the article was 27½ percent deficient in phosphorus, 40 percent deficient in vitamin A, 90 percent deficient in vitamin C, and 18 percent deficient in nicotinic acid.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, phosphorus, vitamin A, vitamin C, and nicotinic acid had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the statements on the label, "'A' 5000 U. S. P. Units * * * 'C'—600 U. S. P. Units * * * Niacin—10000

Gamma (10 mgs.) * * * Six Tablets daily (2 at meal time) will supply 1¼ times Vitamin A, * * * 1 time C * * * 1 time Phosphorus," were false and misleading since the product did not contain the stated amounts of the substances name.

DISPOSITION: June 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7000. Adulteration and misbranding of Vita-Pure B-Complex Vitamins. U. S. v. 16 Display Cards of Vita-Pure B-Complex Vitamins. Decree of condemnation and destruction. (F. D. C. No. 10944. Sample No. 36265-F.)

LIBEL FILED: October 20, 1943, District of Colorado.

ALLEGED SHIPMENT: On or about March 30, 1943, by the Roisman Products Co., from Oklahoma City, Okla.

PRODUCT: 16 display cards, to each of which were attached 24 small cartons, each containing 10 tablets, of Vita-Pure B-Complex Vitamins at Colorado Springs, Colo.

Examination disclosed that the product contained not more than 266 U. S. P. units of vitamin B₁ per tablet, and that it also contained approximately the amount of vitamin B₂ declared on its label.

LABEL, IN PART: (Carton) "Each tablet contains: Vitamin B₁ (Thiamine Chloride) 333 U. S. P. Units. Vitamin B₂ (G) Riboflavin 500 micrograms."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the statement on the carton, "Each tablet contains: Vitamin B₁ (Thiamine Chloride) 333 U. S. P. Units," was false and misleading since the article contained a lesser amount; and the statements in its labeling which represented and suggested that it would be efficacious in the prevention and correction of nervousness, loss of appetite, mental depression, skin disorders, weakness, neuritis, constipation, fatigue, faulty memory, and nutritional anemia, that it would help one keep feeling fit, and that one tablet per day would afford the average minimum requirement for adult persons of B complex vitamins, were false and misleading since the article would not effect the results suggested or implied, and since the article would not furnish the minimum adult requirements of vitamin B₂; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content, and its label failed to bear the information concerning its vitamin properties as has been determined to be and by regulations prescribed as necessary in order fully to inform purchasers as to its value for such uses, since such information appeared in the labeling, namely, in the circular contained in the carton, but not on the label.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: October 30, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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¹ (6811) Seizure contested. Contains findings of fact and conclusions of law.

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¹ (6811) Seizure contested. Contains findings of fact and conclusions of law.² Seizure contested.³ (6939) Forfeiture of bond contested. Contains opinion of the court. (6946) Breach of bond contested. Contains opinions of the courts.

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¹ (6939) Forfeiture of bond contested. Contains opinion of the court.

² (6946) Breach of bond contested. Contains opinions of the courts.

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³ Seizure contested.

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⁴ (6811) Seizure contested. Contains findings of fact and conclusions of law.

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FEDERAL SECURITY AGENCY**FOOD AND DRUG ADMINISTRATION****NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

7001-7200**FOODS**

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., May 23, 1945.

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BEVERAGES AND BEVERAGE MATERIALS*

7001. Misbranding of coffee. U. S. v. 364 Cases of Coffee. Decree entered ordering product released under bond to be repackaged. (F. D. C. No. 13129. Sample Nos. 69719-F to 69722-F, incl.)

LIBEL FILED: On or about August 12, 1944, Northern District of Texas.

ALLEGED SHIPMENT: From on or about March 30 to June 3, 1944, by H. A. Marr Grocery Co., Denver, Colo.

PRODUCT: 364 cases, each containing 24 jars, of coffee at Amarillo, Tex.

LABEL, IN PART: "Vacuum Packed Dripilex Brimfull Brand Coffee Net Weight 1 Lb.," or "Red & White Brand Vacuum Packed Coffee Net Weight 1 Lb."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the label statement "Net Weight 1 Lb." was false and misleading as applied to the article, which was short-weight; and, Section 403 (e)(2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: September 18, 1944. H. A. Marr Grocery Co., claimant, having admitted the allegations in the libel, judgment was entered ordering that the product be released under bond to be repackaged under the supervision of the Food and Drug Administration.

*See also No. 7195.

7002. Adulteration and misbranding of Gra-Pae and Blackberry Bernae (imitation fruitades). U. S. v. 52 Cases of Gra-Pae and 44 Cases of Blackberry Bernae. Default decree of condemnation and destruction. (F. D. C. No. 13056. Sample Nos. 54894-F, 54895-F.)

LIBEL FILED: July 25, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about February 19 and March 11, 1944, by Monticello Products Co., from Chicago, Ill.

PRODUCT: 52 cases, each containing 12 $\frac{4}{5}$ -quart bottles of Gra-Pae, and 44 cases, each containing 12 $\frac{4}{5}$ -quart bottles, of Blackberry Bernae, at Milwaukee, Wis.

LABEL, IN PART: (Bottles) "Thomas Brand Gra-Pae [or "Blackberry Bernae Imitation"] * * * Prepared by Thomas Co., Chicago, Ill."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (3), inferiority had been concealed by the use of artificial flavoring and artificial coloring; and, Section 402 (b) (4), artificial flavoring, artificial coloring, and saccharin had been added to and mixed and packed with the articles so as to reduce their quality and strength and make them appear better and of greater value than they were.

Misbranding, Section 403(a), the name "Gra-Pae" and the design of bunches of grapes, and the name "Blackberry" and the design of blackberries, borne on the labels, were misleading as applied to artificially flavored and colored acidulated beverages sweetened with sugar and saccharin; Section 403(c), they were imitations of other foods, fruit ades, and the labels failed to bear, in type of uniform size and prominence, the word "Imitation," and, immediately thereafter, the name of the food imitated; and, Section 403(k), they contained artificial flavoring and artificial coloring, and failed to bear labeling stating that fact.

DISPOSITION: September 27, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

CEREALS AND CEREAL PRODUCTS*

BAKERY PRODUCTS

7003. Adulteration of bread. U. S. v. Safeway Stores, Inc. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 12532. Sample Nos. 12287-F, 12288-F, 55258-F, 55262-F.)

INFORMATION FILED: August 4, 1944, District of Oregon, against Safeway Stores, Inc., Portland, Oreg.

ALLEGED SHIPMENT: From July 19 to November 1, 1943, from the State of Oregon into the State of Washington.

LABEL, IN PART: "Julia Lee Wright's * * * Enriched White [or "Sliced Wheat"] Bread."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect and larva fragments, insect and larva heads, hairs resembling rodent and cat hairs, fly and mosquito fragments, a feather fragment, and larva capsules; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 14, 1944. A plea of nolo contendere having been entered, the defendant was fined \$50 on each of 3 counts, a total of \$150.

7004. Adulteration of bread. U. S. v. The Schwebel Baking Co. Plea of guilty. Fine, \$500. (F. D. C. No. 11419. Sample Nos. 50115-F, 50117-F.)

INFORMATION FILED: June 19, 1944, Northern District of Ohio, against the Schwebel Baking Co., Youngstown, Ohio.

ALLEGED SHIPMENT: On or about November 11, 1943, from the State of Ohio into the State of Pennsylvania.

LABEL, IN PART: "Schwebel's Wheat [or "Rye"] Bread."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, an insect, and rodent hair or hair resembling rodent hair; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 29, 1944. A plea of guilty having been entered, the defendant was fined \$250 on each of 2 counts, a total fine of \$500.

*See also Nos. 7174, 7192, 7193, 7197.

7005. Adulteration of bakery products. U. S. v. Storck Baking Co. Plea of guilty. Fine, \$500. (F. D. C. No. 11386. Sample Nos. 53425-F to 53430-F, incl.)

INFORMATION FILED: September 6, 1944, Northern District of West Virginia, against the Storck Baking Co., a corporation, Parkersburg, W. Va.

ALLEGED SHIPMENT: On or about October 2, 1943, from the State of West Virginia into the State of Ohio.

LABEL, IN PART: "Storck's * * * Master Loaf * * * [or "Vitamin B-1 Wheat Bread," "Storck's Buns," "Golden Oval," or "Honey Kracked Wheat"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of larvae, insect fragments, rodents hair fragments, hair fragments resembling rodent hairs, and a rodent pellet fragment; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: September 12, 1944. A plea of guilty having been entered, the defendant was fined \$100 on each of 5 counts, a total of \$500.

FLOUR AND CORN MEAL

Nos. 7006 to 7041 and 7044 to 7046 report actions involving flour and corn meal that were insect- or rodent-infested, or both. In Nos. 7006 to 7008 the articles had been prepared under insanitary conditions; in Nos. 7009 to 7015 and No. 7044 they had been stored under insanitary conditions after shipment; in the remaining cases, the time of contamination was not determined.

7006. Adulteration of flour. U. S. v. 36 Bags and 60 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be converted into animal feed. (F. D. C. No. 12685. Sample Nos. 35084-F, 35085-F.)

LIBEL FILED: June 16, 1944, Western District of South Carolina.

ALLEGED SHIPMENT: On or about April 21 and May 5, 1944, by Interstate Milling Co., from Charlotte, N. C.

PRODUCT: 96 25-pound bags of flour at Central, S. C.

LABEL, IN PART: "Enriched * * * Sun Flour Best Patent Self-Rising Flour."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 17, 1944. The Interstate Milling Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be denatured and converted into animal feed, under the supervision of the Food and Drug Administration.

7007. Adulteration of self-rising flour. U. S. v. 33 Bags of Flour. Default decree of condemnation. Product ordered delivered to a charitable institution, for use as cattle feed. (F. D. C. No. 12840. Sample No. 63296-F.)

LIBEL FILED: July 8, 1944, Western District of South Carolina.

ALLEGED SHIPMENT: On or about June 13, 1944, by Southern Flour Mills, Inc., from Albemarle, N. C.

PRODUCT: 8 12-pound bags, 9 24-pound bags, 11 48-pound bags, and 5 96-pound bags of flour at Rock Hill, S. C.

LABEL, IN PART: (Bags) "White Fluff Self-Rising Bleached * * * Enriched."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for use as cattle feed.

7008. Adulteration of white corn meal and flour. U. S. v. Alleghany Milling Co., Inc. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 12527. Sample Nos. 46399-F, 59013-F, 59014-F, 59016-F, 59017-F.)

INFORMATION FILED: July 13, 1944, Western District of Virginia, against the Alleghany Milling Co., Covington, Va.

ALLEGED SHIPMENT: From on or about October 15, 1943, to December 17, 1943, from the State of Virginia into the State of West Virginia.

LABEL, IN PART: "Virginia's Best White Bolted Corn Meal," "Safe Way Flour Special Patent" or "Pure Bred Flour."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of one or more of the following types of filth: Insect fragments, rodent excreta pellet fragments, rodent hair fragments, fragments of hair resembling rodent hairs, a larva, and larva heads; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: July 17, 1944. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$250 was imposed.

7009. Adulteration of flour. U. S. v. 37 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13210. Sample No. 79497-F.)

LIBEL FILED: August 10, 1944, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about May 25, 1944, from Springfield, Ill.

PRODUCT: 37 100-pound bags of flour at Charleston, W. Va., in possession of Charleston Food Products Co.

The flour was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets and urine stains were observed. Examination showed that the article contained larvae, insect fragments, and rodent hair fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 23, 1944. Fred F. French, Charleston, W. Va., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be manufactured into hog feed, under the supervision of the Food and Drug Administration.

7010. Adulteration of flour. U. S. v. 50 Bags of Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13120. Sample No. 34906-F.)

LIBEL FILED: August 3, 1944, Middle District of Georgia.

ALLEGED SHIPMENT: On or about April 8, 1944, from St. Joseph, Mo.

PRODUCT: 50 100-pound bags of flour, at Thomaston, Ga., in possession of City Wholesale Co.

The product was stored under insanitary conditions after shipment. The bags were rodent-cut, and contained rodent pellets and urine stains. Examination showed that the product contained weevils, larvae, and cast skins.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 26, 1944. City Wholesale Co., claimant, having admitted the material allegation of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked for use as animal feed, under the supervision of the Food and Drug Administration.

7011. Adulteration of flour. U. S. v. 75 Bags of Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11767. Sample No. 61080-F.)

LIBEL FILED: February 8, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT. On or about November 23, 1943, from Greenville, Tex.

PRODUCT: 75 98-pound bags of flour, at New Orleans, La., in possession of Maloney Trucking & Storage, Inc.

The flour was stored under insanitary conditions after shipment. The bags were rodent cut, and rodent pellets and urine stains were found on them.

Examinations of samples showed that the product contained rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 25, 1944. N. J. Thiery, New Orleans, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be denatured and used for animal or poultry food under the supervision of the Federal Security Agency.

7012. Adulteration of flour. U. S. v. 5 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 13111. Sample No. 77967-F.)

LIBEL FILED: On or about August 2, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about December 3, 1943, from Minneapolis, Minn.

PRODUCT: 5 10-pound bags of flour at Bridgeton, N. J., in possession of the Home Town Stores, Inc. The flour was stored under insanitary conditions after shipment. Rodent pellets and urine stains were observed on the bags. Examination of the flour showed the presence of rodent pellets, weevils, and larvae.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7013. Adulteration of self-rising flour, phosphated flour, and plain flour. U. S. v. 205 Bags of Self-Rising Flour, and 75 Bags of Phosphated Flour (and 1 other seizure action against self-rising flour and plain flour). Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 13019, 13196. Sample Nos. 64001-F, 64002-F, 80733-F to 80735-F, incl.)

LIBELS FILED: On or about July 24 and August 17, 1944, Northern District of Georgia and Eastern District of Arkansas.

ALLEGED SHIPMENT: From on or about October 6, 1943, to April 14, 1944, by Blair Milling Co., Atchison, Kans.

PRODUCT: 205 50-pound bags of self-rising flour and 17 48-pound bags of phosphated flour at Covington, Ga., in possession of Godfrey and Candler; and 10 100-pound and 12 50-pound bags of plain flour and 11 50-pound bags of self-rising flour at Forrest City, Ark.

The 205 bags of self-rising flour in the Covington lot were stored under insanitary conditions after shipment. Examination of a sample from this portion showed rodent contamination, as evidenced by the presence of rodent urine, rodent excreta, and rodent hair.

LABEL, IN PART: (Bag) "Snow Lake High Patent Flour Bleached * * * Self Rising Flour [or 'Phosphated Flour']," "Blairs Certified Flour," or "Blairs Certified Flour Self Rising."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence (Forrest City lot and 17 bags of Covington lot) of insects, larvae, and cast skins; and, Section 402 (a) (4), (205 bags of Covington lot) they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 4 and October 9, 1944, Godfrey and Candler, claimant for the Covington lot, and Merchants Specialty Co., Forrest City, Ark., claimant for the remaining lot, having admitted the allegations of the libel, judgments of condemnation were entered and the products were ordered released under bond, conditioned that they be denatured under the supervision of the Food and Drug Administration.

1014. Adulteration of flour. U. S. v. 106 Bags of Flour. Default decree of destruction or disposition as animal feed. (F. D. C. No. 13743. Sample No. 87452-F.)

LIBEL FILED: September 26, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about February 24, 1944, from Cedar Rapids, Iowa.

PRODUCT: 106 50-pound bags of flour at Duluth, Minn., in possession of Winston & Newell Co.

The product was stored under insanitary conditions after shipment. Some bags were rodent-gnawed, and rodent pellets and urine stains were observed on the bags. Examination showed that the article contained rodent excreta, rodent hairs, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 24, 1944. No claimant having appeared, judgment was entered ordering that the product be destroyed unless properly reprocessed for animal feed by the United States marshal, under the direction of the Food and Drug Administration, and thereafter disposed of by the marshal as animal feed.

7015. Adulteration of self-rising flour. U. S. v. 630 Bags of Self-Rising Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13407. Sample No. 64037-F.)

LIBEL FILED: August 30, 1944, Western District of South Carolina.

ALLEGED SHIPMENT: On or about June 5, 1944, from El Reno, Okla.

PRODUCT: 630 25-pound bags of self-rising flour at Spartanburg, S. C., in possession of Todd-Woolbright Co.

The product was stored under insanitary conditions after shipment. Urine stains were observed on the bags, and the product was found to contain rodent excreta pellets.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 7, 1944. Todd-Woolbright Co., claimant, having admitted that a portion of the product was adulterated as alleged in its libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured for use as animal feed, under the supervision of the Food and Drug Administration.

7016. Adulteration of plain flour. U. S. v. 600 Bags of Flour (and 2 other seizure actions against flour). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 13466, 13503, 13522. Sample Nos. 54644-F, 54647-F, 59873-F.)

LIBELS FILED: Between September 5 and 14, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: Between on or about November 4, 1943, and May 1, 1944, by Bay State Milling Co., from Winona, Minn.

PRODUCT: 600 bags, 450 bags, and 491 bags, each containing 100 pounds, of flour at Chicago, Ill.

LABEL, IN PART: "Boxer Flour Bleached," or "Fancy First Clear Boxer Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following: Beetles, larvae, cast skins, and webbing.

DISPOSITION: Between September 29 and November 3, 1944. Rosen's Bakery, William E. Albright, and Habel, Armbruster & Larsen Co., a corporation, claimants for the 600 bags, 450 bags, and 491 bags, respectively, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, to be utilized for purposes other than human consumption, under the supervision of the Food and Drug Administration.

7017. Adulteration of phosphated flour and pastry flour. U. S. v. 180 Bags of Phosphated Flour, 20 Bags of Self-Rising Pastry Flour, and 20 Bags of Phosphated Pastry Flour. Decrees of condemnation. Products ordered released under bond to be denatured. (F. D. C. Nos. 12987, 13012. Sample Nos. 80524-F to 80526-F, incl.)

LIBELS FILED: July 18 and 24, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: From on or about November 22, 1943, to June 6, 1944, by Buhler Mill & Elevator Co., from Buhler, Kans.

PRODUCT: 180 50-pound bags of phosphated flour, 20 25-pound bags of self-rising pastry flour, and 20 25-pound bags of phosphated pastry flour at Helena, Ark.

LABEL, IN PART: (Bags) "Silver Star Fancy Short Patent All Purpose Bleached Flour Phosphated," or "King Biscuit The King of Flours Fancy Pastry * * * Self-Rising Bleached Flour [or "Phosphated Bleached Flour"]."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, pupae, cast skins, head capsules, and insect fragments.

DISPOSITION: October 3, 1944. Interstate Grocery Co., Helena, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured under the supervision of the Food and Drug Administration.

7018. Adulteration of self-rising flour. U. S. v. 482 Bags, 60 Bags, and 672 Bags of Self-Rising Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13677. Sample Nos. 61660-F, 61747-F, 61748-F.)

LIBEL FILED: September 13, 1944, Northern District of Mississippi.

ALLEGED SHIPMENT: On or about February 25, 1944, by the Claflin Flour Mills, from Claflin, Kans.

PRODUCT: 482 10-pound bags, 60 50-pound bags, and 672 25-pound bags of self-rising flour at Drew, Miss.

LABEL, IN PART: "Bleached White Goose Flour Self-Rising."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance, and was unfit for food because of the presence of insects and larvae.

DISPOSITION: September 15, 1944. The Sunflower Grocery Co., Drew, Miss., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

7019. Adulteration of self-rising and phosphated flour. U. S. v. 40 Bags of Self-Rising Flour and 100 Bags of Phosphated Flour. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 13169. Sample Nos. 80545-F, 80546-F.)

LIBEL FILED: August 4, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: Between April 25 and June 7, 1944, by Dobry Flour Mills, Inc., Yukon, Okla.

PRODUCT: 40 25-pound bags of self-rising flour, and 100 10-pound bags of phosphated flour at Texarkana, Ark.

LABEL, IN PART: "Dobry's Best Enriched Self-Rising [or "Phosphated"] Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect fragments.

DISPOSITION: November 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as animal feed.

7020. Adulteration of graham, plain, and enriched flour. U. S. v. 39 Bags and 401 Bags of Flour. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 13222, 13254. Sample Nos. 87325-F, 87611-F, 87612-F.)

LIBELS FILED: August 12 and 17, 1944, Northern District of Iowa.

ALLEGED SHIPMENT: On or about March 10, and June 2 and 30, 1944, by the Eagle Flour Mills, from Denver, Colo.

PRODUCT: 39 bags, each containing 100 pounds, and 401 bags, each containing 50 pounds, of flour at Sioux City, Iowa.

LABEL, IN PART: "Graham," "Bleached First Prize Brand Fancy Patent Flour," or "Bleached Enriched White Loaf Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, insect fragments, and cast skins.

DISPOSITION: September 8, 1944. Tolerton & Warfield Co., Sioux City, Iowa, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7021. Adulteration of self-rising flour. U. S. v. 40 Bags of Self-Rising Flour. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 12467. Sample No. 63262-F.)

LIBEL FILED: June 5, 1944, Western District of South Carolina.

ALLEGED SHIPMENT: On or about May 16, 1944, Eagle Roller Mill Co., from Shelby, N. C.

PRODUCT: 40 25-pound bags of self-rising flour at Rock Hill, S. C.

LABEL, IN PART: "Fancy Patent Cherokee Enriched Self-Rising Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments.

DISPOSITION: August 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, to be used for animal feed.

7022. Adulteration of flour. U. S. v. 71 Sacks and 158 Sacks of Flour. Default decrees of condemnation. Products ordered delivered to public institutions, to be used as animal feed. (F. D. C. Nos. 13065, 13265. Sample Nos. 60973-F, 80574-F to 80577-F, incl.)

LIBEL FILED: July 28 and August 18, 1944, Western District of Arkansas, Southern District of Alabama.

ALLEGED SHIPMENT: On or about December 29, 1943, and May 19, 1944, by General Mills, Inc., from Oklahoma City, Okla., and Louisville, Ky.

PRODUCT: 53 50-pound sacks and 105 25-pound sacks of flour, at DeQueen, Ark., and 71 100-pound sacks of flour at Mobile, Ala.

LABEL, IN PART: "Bleached Enriched Flour * * * Sunny Brook," "Crocker's Best Enriched Flour Bleached," or "Pure Gold Enriched Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, cast skins, larvae, and pupae.

DISPOSITION: November 8 and 30, 1944. No claimant having appeared in either case, judgments of condemnation were entered and the product was ordered delivered to public institutions, to be used for animal feed.

7023. Adulteration of rye flour, bromated flour, phosphated flour, and plain flour. U. S. v. 10 Bags of Rye Flour (and 7 other seizure actions against flour). Decrees of condemnation. One lot ordered destroyed. Remaining lots released under bond. (F. D. C. Nos. 13063, 13109, 13500, 13502, 13520. Sample Nos. 54642-F, 54643-F, 68060-F, 72381-F to 72383-F, incl., 80278-F to 80280-F, incl., 90286-F.)

LIBELS FILED: Between July 26 and September 14, 1944, Southern District of Ohio, Northern District of Illinois, Eastern District of Missouri, and Western District of Arkansas.

ALLEGED SHIPMENT: From on or about January 22 to July 8, 1944, by International Milling Co., New Prague, Minn., Greenville, Tex., and Davenport, Iowa.

PRODUCT: 10 100-pound bags of rye flour at Cincinnati, Ohio; 345 100-pound bags of plain flour and 125 100-pound bags of bromated flour at St. Louis, Mo.; 339 100-pound bags of bromated flour and 665 100-pound bags of plain flour at Chicago, Ill.; and 368 25-pound bags and 265 50-pound bags of phosphated flour at Warren, Ark.

LABEL, IN PART: "Robin Hood Dark Pure Rye Flour [or "White Flour * * * Bromated," or "Phosphated White Flour"]," or "Bohemia [or "Minute Man," "Otello," "Contest," or "Merlin"] Flour," or "Starkite * * * Flour * * * Bromated."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of larvae, insect fragments, beetles, pupae, and cast skins.

DISPOSITION: Between August 17 and October 12, 1944. International Milling Co., claimants for one lot at Chicago, and Rosen's Bakery, Chicago, Ill., claimant for the other Chicago lot, and E. Guckenheim Bakers Supply Co., St. Louis, Mo., and Dermott Grocer and Commission Co., Warren, Ark., claimants for the St. Louis and Warren lots, respectively, having admitted the allegations of the respective libels, judgments of condemnation were entered and the products were ordered released under bond to be denatured for purposes

other than human consumption, under the supervision of the Food and Drug Administration. No claimant having appeared for the Cincinnati lot, judgment of condemnation was entered and the product was ordered destroyed.

7024. Adulteration of flour. U. S. v. 140 Bales and 218 Sacks of Flour. Decrees of condemnation. Portion ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 13377, 13451. Sample Nos. 58982-F, 80599-F.)

LIBELS FILED: August 29, 1944, Eastern Districts of Virginia and Arkansas.

ALLEGED SHIPMENT: On or about April 25 and June 10, 1944, by the Kansas Milling Co., from Wichita and Cherrydale, Kans.

PRODUCT: 140 bales, each containing 5 10-pound bags, of flour, at Fredericksburg, Va., and 218 50-pound sacks of flour at Fordyce, Ark. This product contained weevils, larvae, insect fragments, and cast skins.

LABEL, IN PART: (Bags) "Lassen's Perfection Enriched The Quality Flour," or "Silk Floss Finest Short Patent Flour For All Baking Purposes Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: October 3 and 27, 1944. Robert H. Mays, claimant for the lot at Fordyce, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured, under the supervision of the Food and Drug Administration, so that it could not be disposed of for human consumption. No claimant having appeared for the remaining lot, judgment was entered and the product was ordered destroyed.

7025. Adulteration of whole wheat flour. U. S. v. 42 Bags of Whole Wheat Flour. Default decree of condemnation. Product ordered sold to be denatured and used for animal feed. (F. D. C. No. 13124. Sample No. 80602-F.)

LIBEL FILED: August 2, 1944, Southern District of Illinois.

ALLEGED SHIPMENT: On or about March 1, 1944, by William Kelly Milling Co., from Hutchinson, Kans.

PRODUCT: 42 bags, each containing 98 pounds, of whole wheat flour at Bloomington, Ill.

LABEL, IN PART: "Happy Hour Whole Wheat Flour Coarse."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect fragments.

DISPOSITION: September 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured for use as animal feed, under the supervision of the United States marshal.

7026. Adulteration of bromated flour, pastry flour, whole wheat flour, and rye flour. U. S. v. 29 Bags of Bromated Flour and 60 Bags of Pastry Flour (and 3 other seizure actions against flour). Decrees of condemnation. Portion ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 13100, 13103, 13281, 13506. Sample Nos. 68059-F, 68064-F, 75398-F, 75929-F, 75930-F.)

LIBELS FILED: Between July 29 and September 8, 1944, Western District of Pennsylvania and Southern District of Ohio.

ALLEGED SHIPMENT: From on or about January 20 to July 21, 1944, by King Midas Flour Mills, Hastings and Minneapolis, Minn.

PRODUCT: 29 100-pound bags of bromated flour and 60 100-pound bags of pastry flour at Pittsburgh, Pa.; 46 100-pound bags of pastry flour at Waynesburg, Pa.; 29 100-pound bags of rye flour and 29 100-pound bags of whole wheat flour at Cincinnati, Ohio.

LABEL, IN PART: "Old Hickory High Gluten Flour Bleached Bromated," "Unbleached Summit Pastry Flour," "Gardeners Cake Flour Best Bleached," or "King Midas Pure Dark Rye [or "Fine Whole Wheat"] Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, pupae, weevils, larvae, and cast skins.

DISPOSITION: August 30 to October 2, 1944. King Midas Flour Mills, claimant for the Pittsburgh lots, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond for use as animal food, under the supervision of the Food and Drug Administration. No claimant having appeared for the remaining lots, judgments of condemnation were entered and they were ordered destroyed.

7027. Adulteration of extender flour. U. S. v. 152 Bags and 16 Bags of Flour. Consent decrees of condemnation. Product ordered released under bond.
 * (F. D. C. Nos. 12733, 13956. Sample Nos. 72358-F, 78942-F.)

LIBELS FILED: June 20 and October 18, 1944, Eastern District of Missouri and Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 22 and April 9 and 24, 1944, by Chas. A. Krause Milling Co., from Milwaukee, Wis.

PRODUCT: 152 100-pound bags of flour, at St. Louis, Mo., and 16 100-pound bags of flour at Chicago, Ill.

LABEL, IN PART: (Bags) "Leader Extender Flour Made From Wheat & Corn Flours Vegetable Stabilizer Added," or "Uno Brand All Purpose Shortening Extender Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, beetles, or insect fragments.

DISPOSITION: July 10 and November 9, 1944. E. Guckenheim Bakers' Supply Co., St. Louis, Mo., and Louis Smoler & Co., Chicago, Ill.; claimants for the lots at St. Louis and Chicago, respectively, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it should not be disposed of in violation of the law. It was converted into animal feed under the supervision of the Food and Drug Administration.

7028. Adulteration of flour. U. S. v. 135 Bags and 127 Bags of Flour. Decrees of condemnation. Portion ordered released under bond. Remainder ordered destroyed. (F. D. C. Nos. 13211, 13473. Sample Nos. 59923-F, 75384-F.)

LIBEL FILED: August 18 and September 1, 1944, Southern District of Ohio, Eastern District of Wisconsin.

ALLEGED SHIPMENT: From on or about September 11, 1943, to May 9, 1944, by Lagrange Mills, Red Wing, Minn.

PRODUCT: 135 100-pound bags of flour at Steubenville, Ohio, and 127 100-pound bags of flour at Milwaukee, Wis.

LABEL, IN PART: "Old Glory Choice Patent Flour Bleached," or "Old Glory Unbleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of webbing, larvae, beetles, and insect fragments.

DISPOSITION: September 22 and 29, 1944. Ph. Orth Co., Milwaukee, Wis., claimant for the Milwaukee lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured and used for animal feed, under the supervision of the Food and Drug Administration. No claimant having appeared for the Steubenville lot, judgment of condemnation was entered and the product was ordered destroyed. It was denatured and used for animal feed.

7029. Adulteration of phosphated flour and plain flour. U. S. v. 64 Bags and 40 Bags of Flour. Decrees of condemnation. One lot ordered released under bond; remaining lot ordered destroyed. (F. D. C. Nos. 12919, 13752. Sample Nos. 61785-F, 90320-F.)

LIBEL FILED: July 12 and September 27, 1944, Eastern District of Louisiana and Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about April 3 and July 29, 1944, by the Larabee Flour Mills Co., from Clinton, Mo., and Atchison, Kans.

PRODUCT: 65 50-pound bags of phosphated flour, at Pine Bluff, Ark., and 40 100-pound bags of pastry flour at New Orleans, La.

Examination of the products showed that they contained weevils, larvae, and insect fragments.

LABEL, IN PART: "White Rose Flour Phosphated," or "Larabee's * * * Dixie Dream Wheat Flour * * * Special Cookie Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances.

DISPOSITION: October 9, 1944. Silbernagel & Co., Pine Bluff, Ark., claimant for the Pine Bluff lot, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond

to be denatured under the supervision of the Food and Drug Administration. No claimant having appeared for the New Orleans lot, judgment of condemnation was entered on August 25, 1944, and the product was ordered destroyed.

7030. Adulteration of flour. U. S. v. 46 Bags and 27 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 13474. Sample No. 78913-F.)

LIBEL FILED: September 1, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: From on or about December 29, 1942, to April 6, 1943, by Nebraska Consolidated Mills Co., from Omaha, Nebr.

PRODUCT: 46 98-pound bags and 27 49-pound bags of flour at Milwaukee, Wis.

LABEL, IN PART: "Leader Bleached Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and webbing.

DISPOSITION: November 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7031. Adulteration of flour. U. S. v. 160 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13833. Sample No. 76758-F.)

LIBEL FILED: October 10, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about May 28, 1944, by North Dakota Mill & Elevator, from Buffalo, N. Y.

PRODUCT: 160 100-pound bags of flour at Union City, N. J.

LABEL, IN PART: "North Dakota Warrior Fancy First Clear Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: November 20, 1944. Kubacki Baking Corporation, Union City, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as poultry or animal food, under the supervision of the Food and Drug Administration.

7032. Adulteration of pumpernickel rye flour. U. S. v. 43 Bags of Pumpernickel Flour. Default decree of condemnation and destruction. (F. D. C. No. 13696. Sample No. 71969-F, 71971-F.)

LIBEL FILED: September 18, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about December 31, 1943, by Pillsbury Flour Mills Co., from Springfield, Ill.

PRODUCT: 43 100-pound bags of pumpernickel rye flour at Tacoma, Wash.

LABEL, IN PART: "Pillsbury's * * * Pumpernickel Rye Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of webbing, larvae, and pupae.

DISPOSITION: November 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7033. Adulteration of durum flour. U. S. v. 600 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13431. Sample No. 78911-F.)

LIBEL FILED: August 31, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 28, 1944, by Pillsbury Flour Mills Co., from Minneapolis, Minn.

PRODUCT: 600 100-pound bags of flour at Chicago, Ill.

LABEL, IN PART: "Pillsbury's Durmo Durum Patent Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and beetles.

DISPOSITION: September 20, 1944. I. J. Grass Noodle Co., Chicago, Ill., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was converted into animal feed.

7034. Adulteration of bromated flour. U. S. v. 12 Bags of Bromated Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13830. Sample No. 76757-F.)

LIBEL FILED: October 2, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about March 31, 1944, by Standard Milling Co., from East Buffalo, N. Y.

PRODUCT: 12 100-pound bags of bromated flour at Union City, N. J.

LABEL, IN PART: (Bags) "'Pep' High Gluten Wheat Flour Bleached and Bromated."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: November 20, 1944. Kubacki Baking Corporation, Union City, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as poultry or animal food, under the supervision of the Food and Drug Administration.

7035. Adulteration of flour. U. S. v. 200 Bags of Cake Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13009. Sample No. 35287-F.)

LIBEL FILED: July 22, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about March 23, 1944, by Valier & Spies Milling Co., from St. Louis, Mo.

PRODUCT: 200 100-pound bags of flour at Tampa, Fla.

LABEL, IN PART: "Bleached Valier's Dandy Flour For Fine Cakes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: August 21, 1944. Leon J. Bishop, trading as Jack's Cookie Co., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as poultry or animal feed, under the supervision of the Food and Drug Administration.

7036. Adulteration of self-rising flour. U. S. v. 140 Bags and 275 Bags of Self-Rising Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13568. Sample Nos. 63563-F and 64047-F.)

LIBEL FILED: August 30, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: From on or about October 21, 1943, to May 6, 1944, by Wolf Milling Co., Ellinwood, Kans.

PRODUCT: 415 25-pound bags of self-rising flour at Bowdon, Ga.

LABEL, IN PART: (Bags) "Self-Rising Flour Wolf's Premium," or "Self-Rising * * * Southern Lady Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: October 9, 1944. Roop Grocery Co., Bowdon, Ga., having admitted that the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond to be denatured and used for animal feed, under the supervision of the Food and Drug Administration.

7037. Adulteration of phosphated flour. U. S. v. 168 Bags and 12 Bags of Flour. Default decrees of condemnation. Product ordered delivered to public institutions, for use as animal feed. (F. D. C. Nos. 13170, 13758. Sample Nos. 80544-F, 90321-F.)

LIBELS FILED: August 4 and September 29, 1944, Western District of Arkansas, and Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about March 14 and August 11, 1944, by Yukon Mill & Grain Co., Yukon, Okla.

PRODUCT: 168 50-pound bags of flour at England, Ark., and 12 50-pound bags of flour at Texarkana, Ark.

LABEL, IN PART: "Yukon's Best."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, cast skins, larvae, and insect fragments.

DISPOSITION: November 15 and 20, 1944. No claimants having appeared, judgments of condemnation were entered and the product was ordered delivered to public institutions, for use as animal feed.

7038. Adulteration of corn flour. U. S. v. 36 Bags of Corn Flour. Default decree of condemnation and destruction. (F. D. C. No. 12863. Sample No. 61783-F.)

LIBEL FILED: July 6, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about April 6, 1944, by the Crete Mills, from Crete, Nebr.

PRODUCT: 36 100-pound bags of corn flour at New Orleans, La.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, by reason of the presence of insects, insect fragments, and larva cast skins.

DISPOSITION: August 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7039. Adulteration of corn flour. U. S. v. 41 Bags of Corn Flour. Default decree of condemnation and destruction. (F. D. C. No. 12834. Sample No. 61719-F.)

LIBEL FILED: July 1, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about January 15, 1944, by Western Grain Co., from Birmingham, Ala.

PRODUCT: 41 100-pound bags of corn flour at New Orleans, La.

LABEL, IN PART: (Bags) "Jim Dandy Corn Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, pupae, and cast skins.

DISPOSITION: August 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7040. Adulteration of mixed white corn flour and soy flour. U. S. v. 5 Bags of White Corn Flour and Soy Flour. Default decree of condemnation and destruction. (F. D. C. No. 13439. Sample No. 50081-F.)

LIBEL FILED: August 28, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about October 1, 1943, by J. E. Short Milling Co., from Chicago, Ill.

PRODUCT: 5 100-pound bags of white corn flour and soy flour at Olean, N. Y.

LABEL, IN PART: "Wytase Processed White Corn Flour and Enzyme-Active Soy Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: September 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by mixing the product with hog feed.

7041. Adulteration of soy flour. U. S. v. 16 Bags of Soy Flour. Default decree of condemnation and destruction. (F. D. C. No. 12295. Sample No. 52080-F.)

LIBEL FILED: May 1, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 20 and December 2, 1943, by Archer-Daniels-Midland Co., from Jersey City, N. J.

PRODUCT: 16 bags, each containing 100 pounds, of soy flour at Lowell, Mass.

LABEL, IN PART: "Special Nutrisoy Flour * * * Prince Macaroni Mfg Lowell, Mass."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, webbing, and insect excreta.

DISPOSITION: August 29, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7042. Adulteration and misbranding of self-rising flour. U. S. v. 40 Bales of Self-Rising Flour. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 12989. Sample No. 80189-F.)

LABEL FILED: July 25, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about February 29, 1944, by Cape County Milling Co., from Jackson, Mo.

PRODUCT: 40 bales, each containing 10 5-pound bags, of self-rising flour at Memphis, Tenn.

LABEL, IN PART: (Bags) "Bleached Self-Rising Flour * * * Enriched with Vitamins Iron & Calcium * * * Gold Leaf Flour Strictly Hungarian Process."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted from the article.

Misbranding, Section 403 (a), the label statements, "Self-Rising Flour * * * Enriched" and "Eight ounces of enriched self-rising flour contain not less than the following proportions of the minimum daily requirements of Vitamin B₁ 100%," were false and misleading as applied to the article, which failed to conform to the definition and standard of identity prescribed by the regulations for enriched self-rising flour, and which contained in each 8 ounces less than 100 percent of the minimum daily requirement of vitamin B₁; and, Section 403 (g) (1), it failed to conform to the definition and standard since it contained in each pound less than 2.0 milligrams of thiamine, i. e., 1.5 milligrams of thiamine.

DISPOSITION: September 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

7043. Misbranding of flour. U. S. v. 80 Bags of Flour. Decree of forfeiture. Product ordered released under bond. (F. D. C. No. 12888. Sample No. 66927-F.)

LABEL FILED: On or about July 11, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about May 27, 1944, by Arkansas City Flour Mills, from Arkansas City, Kans.

PRODUCT: 80 bags, each containing 10 5-pound bags, of flour at North Kansas City, Mo.

LABEL, IN PART: "Kroger's Country Club Quality Brand Enriched Flour * * * Distributed by the Kroger Grocery & Baking Co., General Offices, Cincinnati, O."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement, "Net Wt. 5 Lbs.," on the labeling, was false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 14, 1944. The Dixie Portland Flour Mills having appeared as claimant, a decree of forfeiture was entered and the product was ordered released under bond to be brought into compliance with the law. The product was resacked.

7044. Adulteration of corn meal. U. S. v. 15 Bales of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 13255. Sample No. 69361-F.)

LABEL FILED: On or about August 23, 1944, District of Montana.

ALLEGED SHIPMENT: On or about April 8, 1944, from Chicago, Ill.

PRODUCT: 15 bales, each containing 10 10-pound sacks, of corn meal, at Lewistown, Mont., in possession of E. B. Andrus Grocery Co.

The article was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product contained rodent pellets and rodent hair fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7045. Adulteration of corn meal. U. S. v. 51 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 13119. Sample No. 90514-F.)

LIBEL FILED: August 1, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 22, 1944, by Columbus Milling Co., Columbus, Ind.

PRODUCT: 51 50-pound bags of corn meal at Cincinnati, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: August 30, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7046. Adulteration of cream of maize. U. S. v. 80 Bags of Cream of Maize. Default decree of condemnation. Product ordered disposed of as animal feed. (F. D. C. No. 12827. Sample No. 80172-F.)

LIBEL FILED: On or about June 29, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: On or about March 9, 1944, by Decatur Milling Co., Inc., from Decatur, Ill.

PRODUCT: 80 50-pound bags of cream of maize at Hot Springs, Ark.

LABEL, IN PART: (Bags) "Hexagon Brand Cream of Maize."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product was unfit for human food by reason of the fact that it was infested with insect larvae and fragments.

DISPOSITION: September 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of for animal feed.

MISCELLANEOUS CEREAL PRODUCTS

7047. Adulteration of corn flakes. U. S. v. 430 Bags of Corn Flakes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13453. Sample No. 63353-F.)

LIBEL FILED: August 29, 1944, Middle District of Georgia.

ALLEGED SHIPMENT: On or about June 19, 1944, by the Decatur Milling Co., from Decatur, Ill.

PRODUCT: 430 50-pound bags of corn flakes at Columbus, Ga.

LABEL, IN PART: "Hexagon Brand Cream of Maize Bakers and Confectioners Corn Flakes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, pupae, and cast skins.

DISPOSITION: September 25, 1944. Tom Huston Peanut Co., Columbus, Ga., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law or sold for animal feed, under the supervision of the Federal Security Agency.

7048. Adulteration of popcorn. U. S. v. 170 Bags and 475 Bags of Popcorn. Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 12748, 12749. Sample Nos. 72802-F, 76167-F.)

LIBELS FILED: June 22, 1944, Northern Districts of California and New York.

ALLEGED SHIPMENT: On or about March 14 and April 8, 1944, by the Midwest Popcorn Co., from Omaha, Nebr.

PRODUCT: Popcorn: 475 100-pound bags at Albany, N. Y., and 170 100-pound bags at San Francisco, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs.

DISPOSITION: July 1 and 13, 1944. The San Francisco Popcorn & Nut Co., San Francisco, Calif., having appeared as claimant for the San Francisco lot, and the Empire State Nut Co., Inc., Albany, N. Y., having appeared as claimant for the Albany lot, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law. The product was put through a cleaning and screening process which eliminated the filth.

7049. Adulteration of popcorn. U. S. v. 16 Cases of Pop Corn. Default decree of condemnation and destruction. (F. D. C. No. 12635. Sample No. 73802-F.)

LIBEL FILED: June 10, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about March 11 and 29, 1944, by Morris Rosenberg Co., Los Angeles, Calif.

PRODUCT: 16 cases, each containing 42 10-ounce bags, of popcorn at Nogales, Ariz.

LABEL, IN PART: (Bags) "Rose Brand."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, rodent-gnawed kernels, and insect fragments; and, Section 402 (a) (4), it had been prepared or packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 30, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7050. Adulteration of popcorn. U. S. v. 100 Bags of Pop Corn. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12377. Sample No. 30259-F.)

LIBEL FILED: May 17, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about March 1, 1944, from Omaha, Nebr.

PRODUCT: 100 bags, each containing 100 pounds, of popcorn, at Oakland, Calif., in possession of Keystone Products Co.

The product was stored under insanitary conditions after shipment. Some of the bags were torn, and popcorn had been scattered over and around them. Mouse pellets were found on the bags and mixed with the corn. Examination of samples showed that the product contained rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 16, 1944. B. F. Butterfield, trading as Keystone Products Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was sorted and washed.

7051. Adulteration of rice. U. S. v. 10 Drums of Rice. Portion of product ordered released. Remainder condemned and ordered released under bond. (F. D. C. No. 12325. Sample No. 79513-F.)

LIBEL FILED: May 4, 1944, District of Columbia.

PRODUCT: 10 unlabeled drums of rice, offered for sale at the Chinese Lantern Restaurant Corporation, Washington, D. C.

The product had been stored under insanitary conditions. It was found to contain rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: The Chinese Lantern Restaurant Corporation filed a claim for the product. On August 31, 1944, 3 drums having been found fit for human consumption, they were ordered returned to the claimant, and the remainder of the product was condemned and ordered released under bond to be denatured, under the supervision of the Food and Drug Administration, and disposed of as animal feed.

7052. Misbranding of pie crust mix. U. S. v. 50 Cases of Pie Crust Mix. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 12627. Sample No. 60763-F.)

LIBEL FILED: June 7, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about May 2, 1944, by Family Kitchen Manufacturing Co., from Phoenix, Ariz.

PRODUCT: 50 cases, each containing 48 cartons, of pie crust mix at San Francisco, Calif.

LABEL, IN PART: (Cartons) "Net Wt. 10 Oz. Family Kitchen Pie Crust Ready-Mixed for Instant Use."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Net Wt. 10 Oz.," which appeared on the label, was false and misleading as applied to the article, which was short-weight; and, Section 403 (e) (2), it was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

CHOCOLATE AND SUGAR PRODUCTS

CANDY*

7053. Adulteration of candy. U. S. v. Euclid Candy Co. of N. Y., Inc., and Louis Glick. Pleas of guilty by the corporation to counts 1, 2, and 3, and by the individual to count 4. Corporation fined \$300 on the 3 counts, and the individual fined \$300 on count 4. (F. D. C. No. 7220. Sample Nos. 56746-E to 56748-E, incl., 56750-E.)

INFORMATION FILED: May 24, 1944, Eastern District of New York, against the Euclid Candy Co., of N. Y., Inc., and Louis Glick, president, Brooklyn, N. Y.

ALLEGED SHIPMENT: From on or about October 15 to November 12, 1941, from the State of New York into the State of New Jersey of quantities of candy.

Examination of samples of the product revealed the presence of some or most of the following objectionable substances: Rodent hairs and hair fragments, human hair, fragments of insect bodies, larvae and larva fragments, mites, fly maggots, metal or rust fragments, splinters of wood, brush hairs, bits of fibers or strings, fragments of charcoal or soot, sand, miscellaneous filth fragments, and nondescript dirt.

LABEL, IN PART: (Portion of product, wrapper) "Dolly Dimple * * * Home-Maid Fudge * * * Vanilla [or "Chocolate"]"; (remainder, boxes) "Euclid's Sambo."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 30, 1944. A plea of guilty having been entered on behalf of the corporation to counts 1, 2, and 3, and by the individual to count 4, the court fined the corporation \$300 and the individual defendant \$300.

7054. Adulteration of candy. U. S. v. Mignon Chocolate Co., Inc., and Arthur Heiman. Pleas of guilty. Each defendant fined \$150. (F. D. C. No. 9625. Sample Nos. 18824-F, 18825-F.)

LIBEL FILED: July 18, 1944, Southern District of New York, against the Mignon Chocolate Co., Inc., New York, N. Y., and Arthur Heiman, president and treasurer of the corporation.

ALLEGED SHIPMENT: On or about November 10, 1942, from the State of New York into the State of New Jersey.

LABEL, IN PART: "Chocolate Marzipan Plain Mignon," or "Mignon Chocolates de Luxe Orange Peel."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, insect fragments, a mite, human hair fragments, metal fragments, wood splinters, rust fragments, and nondescript dirt; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 28, 1944. Pleas of guilty having been entered, each defendant was fined \$150.

7055. Adulteration and misbranding of candy. U. S. v. 45 Boxes and 5 Boxes of Candy. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 12401. Sample Nos. 52191-F, 52301-F.)

LIBEL FILED: May 19, 1944, District of Maine.

ALLEGED SHIPMENT: On or about March 3 and April 8, 1944, by Almonette Candy Co., from Lynn, Mass.

*See also Nos. 7192-7194.

PRODUCT: 50 boxes, each containing 60 $\frac{3}{4}$ -ounce bars, of candy at Portland, Maine.

LABEL, IN PART: (Wrapper) "Peanut Cornette * * * Ingredients: Sugar, Peanuts, Corn Syrup, Molasses, Pop Corn, Salt, Vegetable Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (4), puffed rice had been mixed with the article so as to increase its bulk and make it appear to contain more peanuts than it did, and thus to be of greater value than it was.

Misbranding, Section 403 (a), the name of the article, "Cornette," and the prominent designation of the word "peanut," which appeared on the label, was misleading since the article contained no popcorn and a very small amount of peanuts, and the designation of popcorn as an ingredient of the article was false and misleading since the article contained no popcorn; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient since puffed rice was not referred to on the label.

DISPOSITION: July 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

7056. Adulteration of nut crunch. U. S. v. Relco Bakers Specialty Co., Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 7758. Sample Nos. 19681-F, 29525-F.)

INFORMATION FILED: July 18, 1944, Southern District of New York, against Relco Bakers Specialty Co., Inc., New York, N. Y.

ALLEGED SHIPMENT: On June 29 and July 7, 1942, from the State of New York into the States of Massachusetts and North Carolina.

LABEL, IN PART: "Nut Crunch," and (portion) "Relco Brand."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect larvae, insect fragments, feather barbules, mammalian hairs similar to cat and rodent hairs, and beetles; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 25, 1944. A plea of guilty was entered and a fine of \$100 was imposed, \$50 on each of the 2 counts.

7057. Adulteration of chocolate-covered peanuts. U. S. v. National Candy Co., Inc. Plea of nolo contendere. Fine, \$400. (F. D. C. No. 11416. Sample No. 49129-F.)

INFORMATION FILED: June 12, 1944, Eastern District of Missouri, against National Candy Co., Inc., St. Louis, Mo.

ALLEGED SHIPMENT: From on or about November 9 to 17, 1943, from the State of Missouri into the State of Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (d), the article was confectionery, and it bore or contained a nonnutritive substance, mineral oil.

DISPOSITION: June 27, 1944. A plea of nolo contendere was entered and the court imposed a fine of \$400.

COCOA AND COCOA PRODUCTS

7058. Adulteration and misbranding of ground cocoa. U. S. v. 260 Bags of "Cocoa." Default decree of condemnation and destruction. (F. D. C. No. 12041. Sample No. 35765-F.)

LIBEL FILED: On or about March 20, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about September 29, 1943, by Royale Popcorn Co., from Joliet, Ill.

PRODUCT: 260 unlabeled bags, each containing 40 pounds, of "cocoa" at Atlanta, Ga. The product was invoiced by J. B. Robinson, Cleveland, Ohio, (Royale Popcorn Co.), as "Cocoa."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of cacao shell and powdered cacao bean had been substituted in whole or in part for cocoa, which the article was represented to be; and, Section 402 (b) (4), cacao shell had been added to the article or mixed or packed therewith so as to reduce its quality or strength.

Misbranding, Section 403 (b), the product was offered for sale under the name of another food; Section 403 (e) (1), it was in package form and failed to bear

a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: November 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7059. Adulteration of cocoa beans. U. S. v. 1,000 Bags of Cocoa Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12676. Sample No. 64888-F.)

LIBEL FILED: August 19, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about January 8, 9, and 12, 1943, from Jersey City, N. J.

PRODUCT: 1,000 bags, each containing 130 pounds, of cocoa beans at Seattle, Wash., in possession of Commercial Warehouse Co.

The product was stored under insanitary conditions after shipment. Some of the bags were rodent-cut, and rodent pellets and rodent nests were observed in the stack. Examination of samples showed that the product contained rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 29, 1944. Washington Chocolate Co., Seattle Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. All unfit material was eliminated from the product.

7060. Adulteration of cocoa substitute. U. S. v. 29 Cases of Cocoa Substitute. Default decree of condemnation and destruction. (F. D. C. No. 11670. Sample No. 43194-F.)

LIBEL FILED: On or about February 1, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about May 6, 1943, by J. B. Robinson Co., from Cleveland, Ohio.

PRODUCT: 29 cases, each containing 24 1-pound packages, of cocoa substitute at Salem, Oreg.

LABEL, IN PART: (Packages) "Robinson's * * * Cocoa Substitute."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and fragments resembling rodent hairs.

DISPOSITION: August 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SUGAR, SIRUPS, AND HONEY

7061. Adulteration of sugar. U. S. v. 78 Bags and 207 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12481. Sample Nos. 71032-F, 71033-F.)

LIBEL FILED: On or about June 5, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about February 5 and 6, 1944, from Toppenish, Wash.

PRODUCT: 285 100-pound bags of sugar, at Portland, Oreg., in possession of Manning Warehouse.

The sugar was stored under insanitary conditions after shipment. Rodent pellets and urine stains were found on the bags, and some of the bags contained rodent-chewed holes. Examination of samples showed that the product was contaminated with rodent hairs and urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 30, 1944. The Utah-Idaho Sugar Co., Toppenish, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the adulterated bags of sugar be segregated from the good, under the supervision of the Federal Security Agency. The unfit portion was re-refined.

7062. Adulteration of sugar. U. S. v. 42 Bags, 17 Bags, and 184 Bags of Cane Sugar. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 12948, 12949, 12993. Sample Nos. 72560-F, 72561-F, 80184-F.)

LIBELS FILED: July 19 and 25, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about March 15 and 18, and June 1, 1944, from Franklin, Reserve, and Sterling, La.

PRODUCT: 243 bags, each containing 100 pounds, of sugar at Memphis, Tenn., in possession of Malone & Hyde, Inc.

The sugar was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed and contained urine stains and rodent excreta. Samples of the sugar were found to be contaminated with urine and rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402(a)(3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a)(4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 25, 1944. Malone & Hyde, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the unfit portion be segregated, re-refined, and resacked under the supervision of the Food and Drug Administration.

7063. Adulteration of sugar. U. S. v. 15 Bags of Sugar. Default decree of condemnation and destruction. (F. D. C. No. 12973. Sample No. 68468-F.)

LIBEL FILED: July 19, 1944, Southern District of Indiana.

ALLEGED SHIPMENT: On or about December 10, 1943, from New Orleans, La.

PRODUCT: 15 100-pound bags of sugar, at Evansville, Ind., in possession of Mead Johnson Terminal Corporation.

The product was stored under insanitary conditions after shipment. Examination of samples showed that the sugar was contaminated with urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a)(3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a)(4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7064. Adulteration of dextrose sugar. U. S. v. 12,770 Sacks of Dextrose Sugar. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12994. Sample No. 11355-F.)

LIBEL FILED: July 20, 1944, Northern District of California.

ALLEGED SHIPMENT: From on or about January 15 to October 19, 1943, from North Kansas City, Mo.

PRODUCT: 12,770 bags, each containing 100 pounds, of dextrose sugar, at Sunnyvale, Calif., in possession of Libby, McNeill & Libby.

The product was stored under insanitary conditions after shipment. The premises were rodent-infested, and many of the bags were rodent-gnawed and urine-stained. Examination of samples showed that the product was contaminated with rodent excreta, rodent hairs, and urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a)(3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a)(4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 28, 1944. Libby, McNeill & Libby, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation, repacking, and re-refining, under the supervision of the Federal Security Agency.

7065. Adulteration and misbranding of sirup. U. S. v. 50 Cases and 349 Cases of Syrup. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13710. Sample No. 34922-F.)

LIBEL FILED: September 22, 1944, Middle District of Georgia.

ALLEGED SHIPMENT: On or about July 15, 1944, by Dad's Quality Syrup Co., from Gainesville, Fla.

PRODUCT: 50 cases, each containing 24 22-ounce bottles, and 349 cases, each containing 6 64-ounce bottles, of sirup, at Albany, Ga.

LABEL, IN PART: "It's Different Dad's Best Quality Pure Sugar Cane Syrup."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a mixture of sugar or sugared glucose and water, containing an insignificant amount of sugar cane sirup, had been substituted in whole or in part for "pure sugar cane syrup," which the article was represented to be.

Misbranding, Section 403 (a), the label statement "Pure Sugar Cane Syrup" was false and misleading as applied to a mixture of sugar or sugared glucose and water containing an insignificant amount of sugar cane sirup; Section 403 (b), the product was offered for sale under the name of another food; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common and usual name of each such ingredient.

DISPOSITION: October 10, 1944. Dad's Quality Syrup Co., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled and brought into compliance with the law, under the supervision of the Food and Drug Administration.

7066. Adulteration and misbranding of sirup. U. S. v. 3 Cases of Syrup. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13709. Sample No. 34921-F.)

LIBEL FILED: September 21, 1944, Middle District of Georgia.

ALLEGED SHIPMENT: On or about August 12, 1944, by Dad's Quality Syrup Co., from Gainesville, Fla.

PRODUCT: 3 cases, each containing 6 64-ounce jars, of sirup, at Albany, Ga.

LABEL, IN PART: "Maple Leaf Brand Dad's Quality * * * Syrup made of cane and maple sirup."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (3), inferiority had been concealed through the use of artificial flavoring and artificial coloring; and, Section 402 (b) (4), artificial flavoring and artificial coloring had been added to and mixed and packed with the product so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the label statement "Maple Leaf," and the design of a maple leaf, were misleading as applied to an artificially flavored and colored mixture of sugar or sugars and water containing an insignificant amount of maple sirup; Section 403 (c), the product was an imitation of another food, maple sirup, and its label failed to bear, in type of uniform size and prominence, the word "Imitation," and, immediately thereafter, the name of the food imitated; and, Section 403 (k), it contained artificial flavoring and artificial coloring, and failed to bear labeling stating that fact.

DISPOSITION: October 10, 1944. Dad's Quality Syrup Co., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled and brought into compliance with the law, under the supervision of the Food and Drug Administration.

7067. Adulteration and misbranding of imitation maple sirup. U. S. v. 9 Cases of Imitation Maple Syrup. Default decree of condemnation and destruction. (F. D. C. No. 12996. Sample No. 63343-F.)

LIBEL FILED: July 20, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about June 2, 1944, by Whitehall Food Manufacturing Co., from Brooklyn, N. Y.

PRODUCT: 9 cases, each containing 12 1-quart bottles, of imitation maple sirup at Asheville, N. C.

Examination showed that the product was fermented. Analysis indicated that the product was an artificially colored and flavored sugar and water solution, containing only about 61 percent of sugar, whereas sugar sirup contains not less than 65 percent of sugar.

LABEL, IN PART: (Bottles) "Maison Royal Pancake Syrup Imitation Maple Syrup Made From Pure Cane Sugar Syrup."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (a), the statement in the ingredient list, "Made From Pure Cane Sugar Syrup," was false and misleading as applied to a sugar and water solution containing only about 61 percent of sugar.

DISPOSITION: August 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7068. Adulteration of honey. U. S. v. 100 Cans of Honey. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12386. Sample No. 71022-F.)

LIBEL FILED: On or about May 24, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about February 3, 1944, by Wm. Atchley, from Upland, Calif.

PRODUCT: 100 cans, each containing 60 pounds, of honey at Portland, Oreg.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments.

DISPOSITION: June 19, 1944. Wm. Atchley, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was denatured for use as bee food.

DAIRY PRODUCTS

BUTTER

Nos. 7069 to 7077 report actions involving butter that was prepared from decomposed cream, as evidenced by mold. **Nos. 7076 to 7081** report actions involving butter that was deficient in milk fat. In **Nos. 7076 to 7086**, additional charges were brought that the butter was short-weight.

7069. Adulteration of butter. U. S. v. 8 Cases (240 pounds) of Butter. Decree of condemnation. Product ordered destroyed. (F. D. C. No. 13573. Sample No. 81205-F.)

LIBEL FILED: On or about July 3, 1944, District of Kansas.

ALLEGED SHIPMENT: On or about June 21, 1944, by Alma Creamery Co., Alma, Mo.

PRODUCT: 8 30-pound cases of butter at Kansas City, Kans.

LABEL, IN PART: "Spring Brook Brand Creamery Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a moldy substance.

DISPOSITION: On July 11, 1944. The consignee having admitted that the product was adulterated, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by delivering the butter to a rendering plant, to be disposed of for fat salvage.

7070. Adulteration of butter. U. S. v. 6 Tubs and 17 Tubs of Butter. Decree of condemnation. Product ordered released under bond to be converted into refined butter oil. (F. D. C. No. 13162. Sample No. 81209-F.)

LIBEL FILED: On or about July 18, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 23 and 30, 1944, by Deer Creek Creamery, from Atchison, Kans.

PRODUCT: 23 63-pound tubs of butter at Kansas City, Mo.

Examination of samples showed that the product contained mold.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: July 25, 1944. Deer Creek Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into refined butter oil, under the supervision of the Food and Drug Administration.

7071. Adulteration of butter. U. S. v. 6 Cases (300 pounds) of Butter. Default decree of condemnation. Product ordered disposed of to be used in the war effort. (F. D. C. No. 13148. Sample No. 67889-F.)

LIBEL FILED: July 6, 1944, Eastern District of Kentucky. Amended August 26, 1944.

ALLEGED SHIPMENT: On or about July 5, 1944, by French-Bauer, Inc., Cincinnati, Ohio.

PRODUCT: 6 50-pound cases of butter at Covington, Ky.

LABEL, IN PART: "Clover Blossom Brand Creamery Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the

presence of fly and other insect fragments, and in that it was made from decomposed cream, as evidenced by a high mold mycelia count.

DISPOSITION: October 27, 1944. French-Bauer Inc., the sole intervenor, having failed to respond or make any defense to the amended libel, judgment of condemnation was entered and the product was ordered disposed of in furtherance of the war effort. It was sold to a chemical plant.

7072. Adulteration of butter. U. S. v. 163 Cases (3,260 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12778. Sample No. 67781-F.)

LIBEL FILED: June 7, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 31, 1944, by Schlosser Bros., Indianapolis, Ind.

PRODUCT: 163 20-pound cases of butter at Columbus, Ohio.

Examination of samples showed that the product contained mold.

LABEL, IN PART: "Silverbrook Creamery Butter * * * The Great Atlantic & Pacific Tea Co. New York, N. Y. Packers."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: June 27, 1944. Schlosser Bros., Inc., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was converted into refined butter oil.

7073. Adulteration of butter. U. S. v. 5 Cases (160 pounds) of Butter. Consent decree of condemnation. Product ordered destroyed. (F. D. C. No. 13572. Sample No. 67100-F.)

LIBEL FILED: July 18, 1944, District of Kansas.

ALLEGED SHIPMENT: On or about June 21, 1944, by Spring Valley Butter Co., Kansas City, Mo.

PRODUCT: 5 32-pound cases of butter at Kansas City, Kans.

Examination of samples showed that the product contained mold.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: August 24, 1944. The owner having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by delivery to a rendering plant, for fat salvage.

7074. Adulteration of butter. U. S. v. 46 Cases (1,472 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13152. Sample No. 68401-F.)

LIBEL FILED: On or about June 21, 1944, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about June 11, 1944, by Sugar Creek Creamery Co., from Louisville, Ky.

PRODUCT: 46 cases, each containing 32 1-pound rolls, of butter at Huntington, W. Va.

LABEL, IN PART: (Wrapper) "Country Roll Creamery Butter Wilson—Co."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product had a high mold mycelia count, which is conclusive evidence of decomposition.

DISPOSITION: July 14, 1944. The Sugar Creek Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into refined butter oil under the supervision of the Food and Drug Administration.

7075. Adulteration of butter. U. S. v. 202 Cases (6,464 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13138. Sample No. 61290-F.)

LIBEL FILED: On or about July 14, 1944, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about June 10, 1944, by Swift & Co., from Conway, Ark.

PRODUCT: 202 cases, each containing 32 1-pound prints, of butter at Biloxi, Miss.

Examination of a sample showed that the product contained mold.

LABEL, IN PART: "Swift's Brookfield Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed animal substance.

DISPOSITION: August 19, 1944. Swift & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into refined butter oil, under the supervision of the Food and Drug Administration.

7076. Adulteration and misbranding of butter. U. S. v. 6 Cases (192 pounds) of Butter. Default decree of condemnation. Product ordered delivered to a rendering plant, for fat salvage. (F. D. C. No. 13159. Sample No. 80055-F.)

LIBEL FILED: On or about June 17, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about May 25, 1944, by Rogers Creamery Co., from Rogers, Ark.

PRODUCT: 6 32-pound cases of butter at Joplin, Mo.

Examination of samples showed that this product contained mold.

LABEL, IN PART: (Cartons) "One Pound Net Armour's Cloverbloom Butter."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a) and Section 403 (e) (2), the cartons did not contain "One Pound Net," as labeled.

DISPOSITION: July 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a rendering plant, for fat salvage.

7077. Adulteration of butter. U. S. v. 164 Cases (5,248 pounds) of Butter. Decree of condemnation. Product ordered released under bond to be converted into refined butter oil. (F. D. C. No. 13139. Sample Nos. 61506-F, 61507-F.)

LIBEL FILED: July 6, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 21, 1944, by Fort Worth Poultry & Egg Co., from Fort Worth, Tex.

PRODUCT: 164 32-pound cases of butter, at New Orleans, La.

Examination of samples showed that the product contained mold and ground up fly parts.

LABEL, IN PART: "Armour's Cloverbloom Butter * * * Armour Creameries Distributors."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed animal substance; Section 402 (a) (4), it was produced under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 25, 1944. Fort Worth Poultry & Egg Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into refined butter oil under the supervision of the Food and Drug Administration.

7078. Adulteration of butter. U. S. v. American Dairies, Inc. Plea of guilty. Fine of \$100 and costs. (F. D. C. No. 11367. Sample Nos. 51235-F, 51236-F.)

INFORMATION FILED: April 5, 1944, Western District of Missouri, against the American Dairies, Inc., Kansas City, Mo.

ALLEGED SHIPMENT: On or about August 28, 1943, from the State of Missouri into the State of Massachusetts.

LABEL, IN PART: (Wrappers) "Prairie Rose Brand Creamery Butter."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 25, 1944. A plea of guilty having been entered, the defendant was fined \$100 and costs.

7079. Adulteration of butter. U. S. v. 23 Cases (729 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12390. Sample No. 67756-F.)

LIBEL FILED: May 2, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about April 27, 1944, by Armour Creameries, Chicago, Ill.

PRODUCT: 22 cases, each containing 32 pounds, and 1 case containing 25 pounds, of butter at Cincinnati, Ohio.

LABEL, IN PART: "Armour's Cloverbloom Butter."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 2, 1944. Armour & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7080. Adulteration of butter. U. S. v. 31 Cartons (1,860 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 14358. Sample No. 87354-F.)

LIBEL FILED: September 22, 1944, Eastern District of Pennsylvania. Amended libel filed January 25, 1945, to correct the name of the shipper.

ALLEGED SHIPMENT: On or about September 14, 1944, by Anderson Creamery Co., from Litchfield, Minn.

PRODUCT: 31 60-pound cartons of butter at Philadelphia, Pa.

LABEL, IN PART: "Butter Distributed by C. G. Heyd & Co."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 25, 1945. C. G. Heyd & Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7081. Adulteration of butter. U. S. v. 17 Cubes (1,071 pounds) of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13571. Sample No. 73821-F.)

LIBEL FILED: July 15, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about June 19, 1944, by Arkansas Valley Coop. Dairy Assn., from Hutchinson, Kans.

PRODUCT: 17 cubes (1,071 pounds) of butter at Los Angeles, Calif.

LABEL, IN PART: "Creameries Inc. Dists. Independent Creamery Co. * * * Hutchinson, Kansas."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 21, 1944. E. L. Thomson Co., Inc., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7082. Adulteration of butter. U. S. v. 109 Cases (3,488 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 13135. Sample Nos. 60912-F, 41204-F.)

LIBEL FILED: On or about June 20, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about May 30, 1944, by Beatrice Creamery Co., from Oklahoma City, Okla.

PRODUCT: 109 32-pound cases of butter at Dallas, Tex.

LABEL, IN PART: (cartons) "Silverbrook Creamery Butter * * * The Great Atlantic & Pacific Tea Company, New York, N. Y. — Distributors."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 6, 1944. Beatrice Creamery Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7083. Adulteration of butter. U. S. v. 22 Boxes (1,320 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 12799. Sample No. 49672-F.)

LIBEL FILED: May 29, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about May 10 and 16, 1944, by Benson Produce Co., from Benson, Minn.

PRODUCT: 22 60-pound boxes of butter at Buffalo, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 24, 1944. Benson Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7084. Adulteration of butter. U. S. v. 12 Boxes (about 956 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 13988. Sample No. 82316-F.)

LIBEL FILED: August 21, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about August 10, 1944, by Crofton Cooperative Creamery, Crofton, Nebr.

PRODUCT: 12 boxes, each containing approximately 63 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Butter William Menzer Inc. * * * Distributor New York."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 7, 1944. William Menzer, Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7085. Adulteration of butter. U. S. v. 1,500 Prints and 832 Rolls of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 14569. Sample Nos. 78228-F, 78229-F.)

LIBEL FILED: June 27, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 15, 1944, by Falls City Creamery Co., from Falls City, Nebr.

PRODUCT: 1,500 1-pound prints and 832 1-pound rolls of butter at Philadelphia, Pa.

LABEL, IN PART: "Butter Distributed by C. G. Heyd & Co. Philadelphia, Pa."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 30, 1944. Luther K. Heyd, claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7086. Adulteration and misbranding of butter. U. S. v. Harding Cream Division of Sugar Creek Creamery Co. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 11406. Sample Nos. 43321-F, 43493-F, 43562-F.)

INFORMATION FILED: April 25, 1944, Western District of Missouri, against Harding Cream, Division of Sugar Creek Creamery Co., a corporation, Kansas City, Mo.

ALLEGED SHIPMENT: From on or about May 29, 1943, to September 7, 1943, from the State of Missouri into the States of Illinois and Kansas.

PRODUCT: 60-pound cubes and 1-pound prints of butter.

LABEL, IN PART: (Wrappers of prints) "One Pound Net Cudahy's Sweet Cream Butter The Cudahy Packing Co. Distributors General Offices, Chicago, U. S. A." (Boxes containing cubes) "Butter * * * Wt 60 Lbs."

VIOLATIONS CHARGED: Adulteration (cubes), Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding (prints), Section 403 (a), the statement "One Pound Net," on the wrappers, was false and misleading since the article was short-weight; and, Section 403 (e) (2), it was in package form and failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: July 26, 1944. A plea of guilty was entered and the court imposed a fine of \$50 on each of 2 counts, and costs.

7087. Adulteration of butter. U. S. v. 357 Cubes (22,491 pounds) of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 14584. Sample Nos. 66945-F, 66950-F.)

LIBEL FILED: On or about August 8, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about July 11, 1944, by Harding Cream Co., from Salina, Kans.

PRODUCT: 357 63-pound cubes of butter at Kansas City, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 17, 1944. Harding Cream Co., Division of the Sugar Creek Creamery Co., claimant, having admitted that the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7088. Adulteration of butter. U. S. v. 6 Boxes (360 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 13999. Sample No. 84818-F.)

LIBEL FILED: September 5, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 25, 1944, by C. G. Heyd & Co., from Minnesota Transfer, Minn.

PRODUCT: 6 60-pound boxes of butter at Philadelphia, Pa.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 7, 1944. Luther K. Heyd, Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7089. Adulteration of butter. U. S. v. 14 Cartons and 20 Cartons (1,020 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 14355. Sample Nos. 75641-F, 75644-F.)

LIBEL FILED: September 25, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 15, 1944, by Isaly's Creamery Products Inc., from Fort Wayne, Ind.

PRODUCT: 34 30-pound cartons of butter at Pittsburgh, Pa.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 29, 1944. Isaly Dairy Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration, after withdrawal of samples by the Food and Drug Administration.

7090. Adulteration of butter. U. S. v. 15 Cubes (960 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 13591. Sample Nos. 54375-F, 54376-F.)

LIBEL FILED: June 26, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about May 2, 1944, by Land O' Lakes Creameries Inc., from Minneapolis, Minn.

PRODUCT: 15 64-pound cubes of butter at Los Angeles, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 7, 1944. Thomas B. Kimbley and Marjorie Kimbley, trading as Kimbley Brokerage Co., claimants, Los Angeles, Calif., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7091. Adulteration of butter. U. S. v. 17 Boxes and 46 Cartons (4,056 pounds) of Butter. Consent decrees of condemnation. Product ordered released under bond to be reworked. (F. D. C. Nos. 12786, 13165. Sample Nos. 81786-F, 82314-F.)

LIBELS FILED: June 7 and July 15, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about May 23 and July 1, 1944, by Landsberger Creamery & Produce Co., Sisseton, S. Dak.

PRODUCT: 17 boxes, each containing approximately 60 pounds, and 46 cartons, each containing 66 pounds, of butter at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 7 and August 1, 1944. L. Daitech & Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7092. Adulteration of butter. U. S. v. 45 Cartons (2,340 pounds) of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 13872. Sample No. 87250-F.)

LIBEL FILED: August 29, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 23, 1944, by Langenfeldt Dairy Store from Watertown, S. Dak.

PRODUCT: 45 52-pound cartons of butter at Philadelphia, Pa.

LABEL, IN PART: "Saler's Dairy Stores * * * Philadelphia, Pa."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 1, 1944. Saler's Dairy Store, claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7093. Adulteration of butter. U. S. v. 44 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 12800. Sample No. 49677-F.)

LIBEL FILED: June 2, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about May 18, 1944, by North East Dairy Co., from North East, Pa.

PRODUCT: 44 65-pound tubs of butter at Buffalo, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 23, 1944. North East Dairy Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7094. Adulteration of butter. U. S. v. 29 Cases and 38 Cases (2,144 pounds) of Butter. Decrees of condemnation. Product ordered released under bond to be reworked. (F. D. C. Nos. 13133, 14362. Sample Nos. 52712-F, 88446-F.)

LIBELS FILED: June 29 and October 3, 1944, District of Massachusetts.

ALLEGED SHIPMENT: From on or about June 22 to September 25, 1944, by Pavilion Creamery Co., Inc., from Rochester, N. Y.

PRODUCT: 29 cases at Boston, Mass., and 38 cases at Charlestown, Mass., each case containing 32 pounds of butter.

LABEL, IN PART: (Wrappers of prints) "Wyoming Valley Brand Creamery Butter."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 13 and October 20, 1944. Pavilion Creamery Co., Inc., claimant, having admitted the allegation of the libels, judgments of condemnation were entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7095. Adulteration of butter. U. S. v. 6 Cartons (180 pounds) of Butter. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 12792. Sample No. 50294-F.)

LIBEL FILED: May 12, 1944, Northern District of West Virginia:

ALLEGED SHIPMENT: On or about May 5, 1944, by Quaker City Co-operative Creamery Co., from Quaker City, Ohio.

PRODUCT: 6 cartons, each containing 30 1-pound packages, of butter at Wheeling, W. Va.

LABEL, IN PART: "Quaker City Butter."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a substance containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

7096. Adulteration of butter. U. S. v. 26 Boxes (1,664 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 13132. Sample Nos. 40505-F, 81796-F.)

LIBEL FILED: June 23, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about June 6, 1944, by Veblen Home Creamery, Veblen, S. Dak.

PRODUCT: 26 boxes, each containing approximately 64 pounds, of butter at New York, N. Y.

LABEL, IN PART: (Boxes) "Butter Distributed by Zenith-Godley Co. N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 10, 1944. Veblen Home Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7097. Adulteration of butter. U. S. v. 36 Cases (2,520 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14570. Sample No. 72493-F.)

LIBEL FILED: On October 21, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about October 2, 1944, by Swift & Co., from Springfield, Mo.

PRODUCT: 36 70-pound cases of butter at Memphis, Tenn.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 22, 1944. Swift & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into refined butter oil, under the supervision of the Federal Security Agency.

CHEESE

7098. Adulteration of cheese. U. S. v. 85 Boxes of Cheddar Cheese. Decree of forfeiture and destruction. (F. D. C. No. 8924. Sample No. 9759-F.)

LIBEL FILED: November 25, 1942, Western District of Texas.

ALLEGED SHIPMENT: On or about October 15, 1942, by Pauly & Pauly Cheese Co., Green Bay, Wis.

PRODUCT: 85 boxes, each containing 22½ pounds, of Cheddar cheese at San Antonio, Tex.

LABEL, IN PART: (Boxes) "Cheddar Cheese Distributed By Swift & Company * * * Chicago, Ill. Brookfield Branded."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, insect fragments, manure-like fragments, and nondescript dirt; and, Section 402 (a) (4), it has been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 6, 1944. Martin Beaton, trading as Wrightstown Cheese Factory, Wrightstown, Wis., having filed a claim and answer, the court found for the Government and ordered the product forfeited and destroyed.

7099. Adulteration of cheese. U. S. v. 49 Cases of Cheese. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12684. Sample No. 52124-F.)

LIBEL FILED: June 14, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 18, 1944, by C. E. Zuercher & Co., from Chicago, Ill.

PRODUCT: 49 cases, each containing approximately 126 pounds, of cheese at Boston, Mass.

LABEL, IN PART: (Cases) "Musolino Lo Conte Co. Boston Mass"

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, pupae, and cast skins.

DISPOSITION: July 21, 1944. Clement E. Zuercher and Marie Bischof, claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

7100. Adulteration of Romano cheese. U. S. v. 334 Wheels of Romano Cheese. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13212. Sample No. 39858-F.)

LIBEL FILED: August 10, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about March 18 and April 8, 1944, by Rocky Mountain Cheese Co., from Trinidad, Colo.

PRODUCT: 334 wheels, each weighing approximately 11 pounds, of Romano cheese at Calabasas, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of cheese mites and larva excreta.

DISPOSITION: August 18, 1944. Rocky Mountain Cheese Co., claimant, having admitted the allegations in the libel, with the exception of the amount of cheese involved, which was 247 wheels instead of 334 wheels, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was trimmed and the unfit portion was denatured.

7101. Adulteration of grated Romano cheese. U. S. v. 31 Cartons and 2 Cartons of Grated Cheese. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12870. Sample No. 52509-F.)

LIBEL FILED: July 5, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 8, 1944, by Olean Ice Cream Co., from Olean, N. Y.

PRODUCT: 31 40-pound cartons and 2 50-pound cartons of grated Romano cheese at Lowell, Mass.

LABEL, IN PART: "Temptation Brand Cheese Romano Pepato Ricotta * * * Type Cheese Grated."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, mites, and rodent hair fragments.

DISPOSITION: July 28, 1944. Olean Ice Cream Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

7102. Adulteration of grated cheese. U. S. v. 9 Cases and 4 Drums of Grated Cheese. Default decree of condemnation and destruction. (F. D. C. No. 13444. Sample Nos. 68972-F, 68973-F.)

LIBEL FILED: September 7, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about June 27, 1944, by Frank Ryser Co., from Mayville, Wis.

PRODUCT: 9 cases, each containing 12 3-ounce cartons, and 3 50-pound unlabeled drums, and 1 25-pound unlabeled drum, of grated cheese at Denver Colo.

LABEL, IN PART: (Portion) "Red Rooster Parmano Grated Italian Style Part Skim Cheese."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance since it contained mites and rodent hairs; and, Section 402 (a) (4) it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7103. Misbranding of cheese. U. S. v. Wilson & Co., Inc. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 11418. Sample No. 61037-F.)

INFORMATION FILED: July 4, 1944, Southern District of Mississippi, against Wilson & Co., Inc., Macon, Miss.

ALLEGED SHIPMENT: On or about November 11, 1943, from the State of Mississippi into the State of Louisiana.

VIOLATION CHARGED: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for Cheddar cheese, which provides that the article shall contain not more than 39 percent of moisture, and that its solids shall contain not less than 50 percent of milk fat, since it contained moisture in amounts ranging from 38.27 percent to 42.08 percent, and its solids contained fat in amounts ranging from 44.93 percent to 49.03 percent.

DISPOSITION: August 24, 1944. A plea of nolo contendere having been entered, the defendant was fined \$250.

7104. Adulteration and misbranding of process cheese. U. S. v. Sunette Cheese Corporation. Plea of guilty. Fine \$200. (F. D. C. No. 7688. Sample Nos. 89056-E, 89057-E.)

INFORMATION FILED: July 18, 1944, Southern District of New York, against the Sunette Cheese Corporation, New York, N. Y.

ALLEGED SHIPMENT: On or about January 8 and 27, 1942, from the State of New York into the State of New Jersey.

LABEL, IN PART: (Wrappers) "Elias Brand Pasteurized Process Cheese Distribuidores Exclusivos Para P. R: José A. Elias & Hno.," or "Wingdale Pasteurized Process Cheese Mfrd by Sunette Cheese Corp. New York, N. Y."; (boxes, portion) "Wingdale Pasteurized Process Cheese Distributed by José A. Elias & Hermano, New York, N. Y."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in whole or in part omitted; Section 402 (b) (2), a product containing moisture in excess of 40 percent, its solids containing less than 50 percent of milk fat, had been substituted for process cheese, which, in accordance with established trade practice and understanding, should contain not more than 40 percent of moisture, and which should contain not less than 50 percent of milk fat in its solids; and, Section 402 (b) (4), water had been added to the article or mixed or packed with it so as to reduce its quality.

Misbranding, Section 403 (a), the statements, "Distribuidores Exclusivos Para P. R: José A. Elias & Hno." or "Distributed by Elias & Hermano, New York, N. Y.," were false and misleading since the portions of the products bearing labeling containing such statements were not so distributed.

DISPOSITION: August 11, 1944. A plea of guilty having been entered, the defendant was fined \$200.

EGGS AND EGG PRODUCTS

7105. Adulteration of dried whole eggs. U. S. v. Haug & Co., Inc. Plea of guilty. Fine, \$250. (F. D. C. No. 11347. Sample No. 33451-F.)

INFORMATION FILED: June 25, 1944, Southern District of New York, against Haug & Co., Inc., New York, N. Y.

ALLEGED SHIPMENT: From on or about February 10 to 18, 1943, from the State of New York into the State of New Jersey.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 10, 1944. A plea of guilty having been entered, the court imposed a fine of \$250.

7106. Adulteration of frozen whole eggs. U. S. v. 490 Cans and 735 Cartons of Frozen Whole Eggs. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 13123, 13479. Sample Nos. 63348-F, 63352-F, 63359-F.)

LIBELS FILED: On or about August 2 and 31, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 21 and June 16, 1944, by Ovson Egg Co., Chicago, Ill., and St. Louis, Mo.

PRODUCT: 490 cans at Atlanta, Ga., and 735 cartons at Columbus, Ga., each containing 30 pounds of frozen whole eggs.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: September 13, 1944. Columbia Baking Co., trading as Stone Baking Co., claimant for the Atlanta lot, and Ovson Egg Co., claimant for the Columbus lot, having admitted the allegations in the respective libels, judgments of condemnation were entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

7107. Adulteration and misbranding of frozen whole eggs. U. S. v. 204 Cans and 253 Cartons of Whole Eggs. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13069. Sample No. 66852-F.)

LIBEL FILED: On or about July 31, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 28, 1944, by Linwood Poultry Co., from Shenandoah, Iowa.

PRODUCT: 204 cans and 253 cartons, each labeled as containing 30 pounds, of whole eggs at Kansas City, Mo.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (e) (1), the article was food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: September 5, 1944. Safeway Stores, Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and delivered to a rendering plant, for use other than human consumption.

7108. Adulteration of frozen whole eggs. U. S. v. 83 Cans and 10 Cans of Frozen Whole Eggs (and 2 other seizure actions against frozen whole eggs). Decrees of destruction. (F. D. C. Nos. 13524, 13525, 13656. Sample Nos. 90527-F to 90530-F, incl.)

LIBELS FILED: September 6 and 11, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: From on or about August 4 to September 1, 1944, by Featherweight Foods, Inc., from Covington, Ky.

PRODUCT: 186 30-pound cans of frozen whole eggs at Cincinnati, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: September 29, 1944. The consignee having consented to the entry of decrees, judgments were entered ordering the destruction of the product.

7109. Adulteration of frozen whole eggs. U. S. v. 151 Cans of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 13492. Sample No. 75582-F.)

LIBEL FILED: September 5, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 16, 1944, by Wilson Poultry and Egg Co., from Cincinnati, Ohio.

PRODUCT: 151 cans of frozen whole eggs at Pittsburgh, Pa.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: September 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7110. Adulteration of frozen egg mixture. U. S. v. 227 Cans of Frozen Egg Mixture. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12663. Sample No. 82156-F.)

LIBEL FILED: June 9, 1944, Eastern District of New York. Amended libel filed July 20, 1944.

ALLEGED SHIPMENT: On or about April 26, 1944, from Minneapolis, Minn.

PRODUCT: 227 cans, each containing 30 pounds, of frozen egg mixture at Brooklyn, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 28, 1944. Highway Butter & Egg Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

7111. Adulteration of Voltex (frozen egg mixture), frozen whole eggs, and frozen egg whites. U. S. v. 90 Cans of Voltex, 149 Cans of Frozen Whole Eggs, and 29 Cans of Frozen Egg Whites (and 1 other seizure action against Voltex). Deerees of condemnation. Portion ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 14054, 14392. Sample Nos. 63378-F to 63380-F, incl., 63389-F.)

LIBELS FILED: October 18 and November 6, 1944, Northern District of Georgia, and Southern District of Florida.

ALLEGED SHIPMENT: On or about August 2, September 13, and October 10, 1944, by Standard Brands, Inc., from Nashville, Tenn.

PRODUCTS: 90 30-pound cans of Voltex at Atlanta, Ga., and 12 30-pound cans of Voltex at Miami, Fla.; 149 30-pound cans of frozen whole eggs, and 29 30-pound cans of frozen egg whites at Atlanta, Ga.

LABEL, IN PART: (Can) "Frozen Voltex Made with Egg Yolk, Egg White Stabilizing Syrup and Salt [or "Frozen Whole Egg," or "Frozen Egg White"] Lomax Process Fleischmann's."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances.

DISPOSITION: October 27, 1944. Standard Brands, Inc., claimant for the lots at Atlanta, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond for segregation under the supervision of the Food and Drug Administration. The unfit portion was destroyed for food purposes. November 30, 1944. No claimant having appeared for the remainder, judgment was entered ordering that the products be destroyed.

7112. Adulteration of shell eggs. U. S. v. 550 Cases of Shell Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14375. Sample No. 83064-F.)

LIBEL FILED: November 6, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about October 13, 1944, by Nelson Ricks Creamery Co., Salt Lake City, Utah.

PRODUCT: 550 unlabeled wooden cases of shell eggs at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 29, 1944. Nelson-Ricks Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed or denatured for technical and industrial purposes, under the supervision of the Food and Drug Administration.

FEEDS AND GRAINS

7113. Misbranding of alfalfa meal. U. S. v. Saunders Mills, Inc. Plea of guilty. Fine, \$150. (F. D. C. No. 11383. Sample No. 26288-F.)

INFORMATION FILED: May 10, 1944, District of Colorado, against Saunders Mills, Inc., Fort Lyon, Colo.

ALLEGED SHIPMENT: On or about February 16, 1943, from the State of Colorado into the State of Kansas.

LABEL, IN PART: (Tag) "Alfalfa Meal * * * Crude Fibre, not more than 33.0 Per Cent."

VIOLATION CHARGED: Misbranding Section 403 (a), the statement "Alfalfa Meal" on the label was false and misleading in that it represented and suggested that the article was alfalfa meal, a product obtained from alfalfa hay and defined by the American Feed Control Officials and accepted by established trade practice and understanding as containing not more than 33 percent of crude fiber, whereas it was stem meal, a product which by definition, trade practice, and understanding contains more than 33 percent of crude fiber; and the statement "Crude Fibre, not more than 33.0 Per Cent," borne on the label, was false and misleading since the article contained 37.78 percent of crude fiber.

DISPOSITION: June 21, 1944. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$150.

7114. Adulteration of wheat. U. S. v. 90,400 Pounds of Wheat. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13512. Sample No. 40760-F.)

LIBEL FILED: September 7, 1944, District of Minnesota.

ALLEGED SHIPMENT: On about August 11, 1944, by Sully County Cooperative Association, from Onida, S. Dak.

PRODUCT: 90,400 pounds of wheat at Minneapolis, Minn.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product contained an added poisonous and deleterious substance, fluorine, which may have rendered it injurious to health.

DISPOSITION: September 21, 1944. Washburn Crosby Co., Minneapolis, Minn., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be scoured under the supervision of the Food and Drug Administration.

FISH AND SHELLFISH

7115. Adulteration of frozen whiting. U. S. v. 1,851 Cartons of Frozen Whiting. Tried to court; verdict for the defendant. District court judgment dismissing the libel reversed on appeal; final decree entered ordering the release of the fit portion and condemning the unfit portion, and ordering its release under bond to be sold for animal feed. (F. D. C. No. 11145. Sample No. 36478-F.)

U. S. v. 17,900 Pounds and 20 Boxes of Frozen Whiting. Default decrees of condemnation and destruction. (F. D. C. Nos. 12011, 12081. Sample Nos. 43280-F, 48194-F, 67123-F.)

LIBELS FILED: Between November 20, 1943, and March 29, 1944, District of Colorado, Western District of Kentucky and District of Nebraska.

ALLEGED SHIPMENT: Between the approximate dates of October 19, 1943, and February 26, 1944, by Pond Village Cold Storage Co., Provincetown and North Truro, Mass.

PRODUCT: 1,851 15-pound cartons of frozen whiting at Denver, Colo., 20 15-pound boxes at Omaha, Nebr., and 17,900 pounds at Louisville, Ky.

LABEL, IN PART: (Portion) "H & G Famous Booth Sea Foods Whiting * * * Booth Fisheries Corp Boston Mass."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 22 to May 10, 1944. No claimant having appeared for the Louisville and Omaha lots, judgments of condemnation were entered and the product was ordered destroyed. On or about May 6, 1944, Booth Fisheries Corporation, Denver, Colo., claimant for the Denver lot, having denied that the product was adulterated, trial of the case was had before the court. After the Government had presented its case, the claimant moved for a directed verdict and dismissal of the libel on the ground that the Government's proof did not sustain its charge of adulteration. The proceedings in the district court are set forth in the following opinion of May 22, 1944, granting the claimant's motion for a directed verdict and dismissing the libel:

MEMORANDUM OPINION ON DEFENDANT-CLAIMANT'S MOTION TO DISMISS THE LIBEL

FOSTER, *District Judge*: "The defendant-claimant at the end of the Government's case moved to dismiss the libel on the ground that the Government's evidence does not sustain the charge.

"After considerable argument the court granted the motion, stating its reasons, upon the condition that the claimant give bond that in the selling

or disposition of any of this fish they give to the retailers written notice calling attention to the fact there had been found in the shipment an occasional bad fish, and the retailer before selling or delivering it to any customer should warn the purchaser to examine it himself. This was agreed to by both sides in open court, and a written notice was duly prepared and agreed to, consisting of a rubber stamp containing such a notice to be affixed to every carton or box as it left the possession of the claimant.

"Later the Government, for good and sufficient reasons I presume, withdrew its consent to this arrangement and has asked for a clear decision on the merits. The court therefore withdraws the above memorandum and substitutes the following in passing upon the motion.

"The charge is that contrary to Sec. 331, Title 21, USCA, the defendant introduced 1851 cartons, more or less, each containing 15 pounds of frozen whiting (fish), into interstate commerce by transporting it from Provincetown, Massachusetts to Denver, Colorado. That said article of food was adulterated within the meaning of Sec. 342 (a) (3), Title 21, USCA, in that it consisted 'in whole or in part of a decomposed substance'.

"Said Sec. 342, Title 21 USCA (a) (3), says 'a food shall be deemed to be adulterated' as the libel charges (3), 'If it consists in whole or in part of any filthy putrid, or decomposed substance, or if it is otherwise unfit for food'. The Government has left out of its charge the last part of the subsection as follows, to-wit, the words 'or if it is otherwise unfit for food'.

"On this motion we are required to consider the Government's evidence only giving it full value as uncontradicted.

"Our decision of this motion necessarily depends upon the testimony of the Government experts. The chief Government witness, Dr. Lewis Chernoff, is a graduate chemist employed for many years by the U. S. Food and Drug Administration in Denver. Dr. Chernoff has appeared in this court many times in similar cases and we entertain a very favorable opinion of his ability. He testified he has examined fish products for many years, and on November 9th and 10th, 1943, examined 26 boxes taken as samples from this shipment, seized by the Government while in a cold storage plant in Denver and taken to Dr. Chernoff's office. The fish when delivered to him were in hard, frozen blocks. He opened the cartons put the fish in trays permitting them to thaw out overnight. Next day he examined each fish separately by cutting or slitting it down the back and smelling. This is known as the organoleptic test.

"In many of the boxes he did not find any decomposed or bad fish at all. Out of a total of 1119 fish he found 55 or 4.9% decomposed. By decomposed he meant rotten, unfit for human consumption. His test—the only one he made—was his sense of smell, the odor being very offensive. The following questions and answers are informative:

"Q. 'If someone had eaten them what effect would it have had?'

"A. 'I don't know. If they were cooked they probably might be all right.'

"Q. 'What?'

"A. 'If they were cooked and eaten they might be all right. They might cause illness. I have no idea.'

"He said the balance of the fish outside of the 55 were all right.

"On cross-examination he testified that whiting was a salt water fish and when received were headless and gutted. That he made a personal examination of every one of the 1119 fish. That of those he examined the skin appeared to be normal and firm. That he made no notes on the physical condition of the fish. He did not make a bacteriological examination or chemical test, but simply organoleptic; that is a test by the senses of smell, sight, touch and taste. He did not make an indol test—indol being one of the by-products of decomposition of protein products and might determine decomposition. His test consisted simply of subjecting the 1119 fish to his sense of smell. Further, to sum up, of the 1119 fish so examined 55 smelled bad or putrid, and the balance were edible.

"On being recalled the witness testified he examined another 18 boxes of this same shipment on January 25th. Like the other examination they were frozen. He opened the boxes and placed the fish on pans allowing them to thaw overnight. He examined them the next morning. That out of the total of 768 fish 48 were unfit for food, or 6.2% by count. The only test he made was the organoleptic; that is he judged them solely by the smell.

"At the trial of the case—and at the request of counsel for both sides—additional samples of the whiting were brought in to a room adjoining the court and opened up and examined by Dr. Chernoff and the court. The results

of this examination are shown in Govt. Ex. A, signed by Mr. Williams defendant's expert Mr. Vincent, head of the Food and Drug Division office in Denver and Dr. Chernoff. Four hundred and eleven fish selected at random were examined in the presence of the court and the average per cent of bad fish found therein by Dr. Chernoff was 3.6%; that is to say 15 out of 411 fish, it was agreed, were unfit, showing signs of decomposition. The court found these upon personal examination to have a bad, disagreeable, putrid odor.

"While the sole question in the case, under the pleadings, is whether the fish consisted wholly or in part of a decomposed substance, the over-all question of course is whether they were fit for human consumption.

"It will be observed from Dr. Chernoff's testimony that the number of decomposed fish in the first exhibit unfit for human consumption was less than 5%, and of the second lot examined in January was a little over 6%. No witness qualified to or attempted to state what the effect of eating any of these decomposed fish would have upon the consumer. Dr. Chernoff did testify that the housewife would, in processing these fish before serving them, have ample opportunity to detect any bad odor. He said the cooking they would be subjected to might in most instances eliminate any danger of food poisoning. Furthermore, it would seem that the effect on the human system if consumed as food would depend largely upon a bacteriological test, which in this case was not made.

"U. S. v. Commercial Creamery Co., 43 Fed. Supp. 714, involved frozen eggs. The testimony of the Government was that of three witnesses who inspected the eggs sought to be condemned. They used the organoleptic test only, and while the case was a criminal one where the Government's allegations must be proven beyond a reasonable doubt, the court on such testimony dismissed the action, recognizing that the organoleptic test was justified only because it was quicker and, as the Government inspector testified, permitted more territorial coverage than could be obtained by the combined use of this method with any of the other three. The court noted that chemists had for years been seeking more efficient and rigid methods for determining decomposition in eggs, citing authorities, and observed that it was difficult for the court to believe that if the organoleptic test is as efficient as the Government witnesses said it was, that such complete and consistent efforts were being made by the chemists to acquire rapidity in their processes. And further stated that what is true of the chemists is also true of the bacteriologists, and stated it doubted whether the American Public Health Association would have interested itself to the extent that it has in bacteriological studies if the Government's contention as to the scientific efficiency of the organoleptic method were correct.

"In the case at bar the organoleptic test made by the Government's chemist in the presence of the court was that less than 4% of the fish in question were decomposed, and according to Dr. Chernoff this might be very greatly reduced by the processing that the fish would undergo in the house before being consumed.

"In U. S. v. Two Hundred Cases of Catsup, 211 Fed. 780, it says, p. 782.

* * * there is no fixed standard by which it can be determined when a product has reached such a state of decomposition as to "consist in whole or in part of filthy, decomposed, or putrid vegetable substance" * * * I infer from the testimony of the experts that it would be difficult, if not impossible, to fix any arbitrary standard by which the question could be determined, as it depends upon so many contingencies. In any event, no such standard has been fixed, in the absence of which each case must be determined on its own facts.

"And in Andersen v. U. S., 284 Fed. 542, it is said, p. 545:

It appeared from the cross-examination of the government witnesses that they have heretofore suffered canned salmon containing a small percentage of filthy, decomposed, or putrid matter to pass in interstate commerce unchallenged, but there is no room for controversy over percentages under the statute itself, for it excludes all. Of course, where the entire product is not inspected or tested, the proof must go far enough to satisfy the court or jury that the adulteration extends to the whole product sought to be condemned.

"I find no case that holds an entire shipment, such as the one at bar, can be condemned merely upon a finding that a percentage as small as the evidence here is decomposed, especially where there is no charge or evidence that the fish is unfit for food.

"In U. S. v. Two Hundred Cases, more or less, of Canned Salmon, 289 Fed. 157, Judge Hutcheson—then a District Judge—discussed this whole question and refused to follow the Andersen case, stating that while proof that the contents of 20% of cans in a shipment were adulterated with nothing more, might

authorize the inference the whole product was bad, and therefore support a condemnation of the lot where the same proof which establishes the adulteration of one-fifth establishes the lack of adulteration of the balance, the Government must fail, except as to the cans identified as adulterated. The court analyzed the testimony—which was about the same as in the case at bar—and stated the Government evidence proving part bad, and relied on for the inference that all was bad, proved just as conclusively that part of it was not bad within the meaning of the statute; that if the Government depended for its condemnation upon subdivision 6 of Sec. 7 of the Act, in accordance with the general rule of law that the burden is upon the Government to prove its case, the Government would have to be cast in this suit, or would have to take the alternative of examining and testing every can of the shipment. That view is applicable to our situation. The testimony of Dr. Chernoff proves that except for the number of bad fish found, the balance of the shipment which he examined was all right and fit for human consumption.

“C. J. S. Vol. 36, Sec. 16, p. 1076:

Statutes and ordinances intended to prevent the manufacture or sale of food or food products that are unwholesome or unfit for human consumption will be enforced in accordance with their proper construction. * * * or by reason of their decay, [Commonwealth v. Prince, 89 N. E. 1047]. The statutes are not intended to regulate tastes or appetites, and the courts will not deem an article of food unwholesome merely because it is unpalatable to many, or even most, persons. [McNeill & Higgins Co. v. Martin, 107 So. 299]. Furthermore, an article of food is not unwholesome within such a statute, merely because it is unwholesome to a particular individual or to normal persons under abnormal conditions; it must have such qualities that normal persons generally, in a normal condition, would be adversely affected by its consumption. It has been said that the condition of a product in the hands of a consumer is the place and time to test its fitness for food; [U. S. v. Four Hundred and Fifty-three Cans of Frozen Egg Product, 193 Fed. 589].

“And according to Sec. 15, p. 1073:

* * * an article of food shall be deemed adulterated * * * if it contains any poisonous or deleterious substance which may render it injurious to health, [U. S. v. 1232 Cases American Beauty Brand Oysters, 43 Fed. Supp. 749] or contains any added substance or ingredient which is poisonous or injurious to the health, * * * or consists in whole or in part of a filthy, decomposed, or putrid substance, [52 Fed. (2d) 476; 43 Fed. Supp. 714; 208 Fed. 419].

“C. J. S. Vol. 36, Note 61, p. 1074:

The word “decomposed”, as used in such a statute, [referring to the Federal statute], means more than the beginning of decomposition; it means a state of decomposition, [See also 26 C. J. p. 762, Note 76; and 284 Fed. 542 (infra).]

“In *Andersen v. U. S.* (supra), a food case, 408 cans of Salmon were selected at random from 408 of 1974 cases. One hundred forty-four cans of the second lot were first analyzed and found to contain eight putrid or tainted, and one stale can. The third lot of 192 cans contained 35 putrid or tainted, and 12 stale cans. That a putrid or tainted can was said to be one that contained rotten or decayed salmon with an offensive odor, while a stale can was disclosed as the beginning of decomposition, but not in so far advanced a state as the putrid or tainted cans. The net result was that one-fifth of the product analyzed was putrid or tainted and one-fourth either putrid and tainted or stale. It further appeared that decayed salmon was not injurious to health.

“The claimant offered no testimony and upon its motion the court directed a verdict in its favor, which was reversed by the Court of Appeals, which said that decomposition begins when life ends, but meat and fish are not decomposed at that early stage. Decomposed means more than the beginning of decomposition, it means a state of decomposition, and the statute must be given a reasonable interpretation to carry out the legislative policy or intent.

“In *U. S. v. Commercial Creamery Co.* (supra), it was held that the Federal Food, Drug and Cosmetic Act is designed to prevent injury to the public health and the introduction into interstate commerce of foods which consist in whole or in part of any filthy, putrid or decomposed substance, and the intent of Congress was to exclude from interstate commerce impure and adulterated food, and to prevent facilities of commerce from being used to enable such articles to be transported to people who consume them. And it is in the light of such power exerted by Congress that the Act must be construed.

“In conclusion: The Government’s testimony proves that a very small percentage of the entire shipment (less than 6%), was decomposed and the balance (95% plus), was all right. There is no evidence that even the bad fish was sufficiently decomposed to violate the object of the statute, to-wit, to prevent the introduction into interstate commerce of food unfit for human consumption. Further under the authorities (supra), the testimony, to say the least,

throws considerable suspicion on the efficiency of the organoleptic test alone as justifying the condemnation of the entire shipment.

"The motion for a directed verdict is granted and the libel dismissed."

On June 2, 1944, the district court entered an order staying the release of the product for a period of 30 days. On June 26, 1944, notice of appeal having been filed in the United States Circuit Court of Appeals for the 10th Circuit, that court handed down an order further staying release of the product to the claimant. Argument was had on August 2, 1944, and the court entered judgment reversing the district court judgment and ordering that the case be remanded for further trial in the district court. On August 11, 1944, the claimant having filed an amended answer admitting the allegations of the libel and the court having found that a part of the product was not adulterated, judgment was entered releasing the good portion to the claimant and condemning the remainder. The adulterated portion was released under bond to the claimant to be sold for use as animal food, under the supervision of the Food and Drug Administration.

On January 8, 1945, the Circuit Court of Appeals for the 10th Circuit issued the following memorandum opinion:

MURRAH, *Circuit Judge*: "In pursuance of Section 304 (a) of the Federal Food, Drug and Cosmetic Act of June 25, 1938 (52 Stat. 1040, 21 U. S. C. A. 301 et seq) the United States instituted a libel of information in the United States District Court of the District of Colorado, seeking condemnation of approximately 1,851 cartons of frozen fish, each containing 15 pounds, and allegedly consisting 'wholly or in part of a decomposed substance', which had been shipped in interstate commerce from the State of Massachusetts into the state of Colorado. The Booth Fisheries Corporation, as claimant, answered admitting the shipment in interstate commerce, but denying the allegation with respect to adulteration. Upon facts which are conclusive here the trial court found that approximately 6% of the entire shipment consisted of decomposed substance, but dismissed the libel on the grounds that it was not 'sufficiently decomposed' to be unfit for human consumption, and therefore was not 'adulterated' within the meaning and purposes of the Act. The Government has appealed.

"One of the declared purposes of the Federal Food, Drug and Cosmetic Act is to prohibit the movement in interstate commerce of adulterated and misbranded foods, drugs, devices and cosmetics. *U. S. v. Dotterweich*, 320 U. S. 277, 280; *McDermott v. Wisconsin*, 228 U. S. 115, 128; *Hipolite Egg Co. v. United States*, 220 U. S. 45, 54. To effectuate that purpose the Act prescribes injunctive remedies (Sec. 302 (a) (b)) and criminal penalties (Sec. 303 (a) (b) (c)) for violations, and in addition thereto (subject to enumerated exceptions and limitations) specifically authorizes the seizure and condemnation of any 'adulterated' food which is introduced or received in interstate commerce by a libel proceeding in any district court within the jurisdiction of which the adulterated food is found. (Sec. 304 (a))

"Section 402 of the Act pertinently provides that a food shall be deemed to be adulterated 'if it consists in whole or in part of any filthy, putrid or decomposed substance, or if it is otherwise unfit for food', and the sole question presented by this appeal is whether frozen fish in 15 pound cartons found to consist of approximately 6% decomposed substance is adulterated and therefore subject to condemnation under the Act.

"The trial court held in substance that although the product seized consisted wholly or in part of a decomposed substance it was nevertheless fit for human consumption and was therefore not adulterated within the meaning of the statutory definition and the same argument is made here in support of the trial court's judgment.

"We cannot agree with the trial court's interpretation of the statutory definition of 'adulterated' food. Before the amendment of June 25, 1938, sub-section 6 of section 7 of the original Act of June 30, 1906 (34 Stat. 768) provided that an article should be deemed to be adulterated 'if it consists in whole or in part of a filthy decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food * *'. Giving effect to the objects and purposes of the legislation, the courts have uniformly held that when a food consisted 'in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance' its interstate shipment was prohibited whether otherwise considered as fit for human consumption or not. *United States v. Two Hundred Cases of Adulterated Tomato Catsup*, 211 F. 780, 782; *Anderson & Co. v. United States*, 284 F. 542; *United States v. Krumm*, 269 F. 848; *United States v. Two Hundred*

Cases of Canned Salmon, 289 F. 157; Knapp v. Callaway, 52 F. 2d 476; United States v. One Hundred Thirty Three Cases of Tomato Paste, 22 F. Supp. 515.

"Notwithstanding this strict construction of the language employed, of which Congress was undoubtedly aware, the amendment of 1938 (Sec. 402) not only impliedly approved this construction of its language but strengthened it by adding words which leave no doubt of its intention to free interstate commerce of any food if it consists 'in whole or in part of any filthy, putrid or decomposed substance'. The added clause 'or if it is otherwise unfit for food' is in the disjunctive and does not condition, qualify, or obscure the plain meaning of the whole sentence when considered in its context. United States v. 184 Barrels Dried Whole Eggs, 53 F. Supp. 625. This view is supported by the general purpose of the amendment to extend the range of control over impure and adulterated food and drugs moving in interstate commerce. United States v. Dotterweich, 320 U. S. 277."

According to the conclusive findings of the trial court each carton of fish seized consisted in part of fish in a decomposed state and it was necessary to thaw the fish in each carton in order to separate the decomposed substance from the wholesome part. It is thus clear that the product in question comes within the interdiction of the Act and the judgment of the trial court is REVERSED."

7116. Adulteration of frozen shrimp. U. S. v. 218 Cartons of Shrimp. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12434. Sample Nos. 76406-F, 82003-F.)

LIBEL FILED: May 25, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about March 15, 1944, by J. H. Dulany & Son, Fruitland, Md.

PRODUCT: 218 cartons, each containing 6 5-pound packages, of frozen shrimp, at New York, N. Y.

LABEL, IN PART: (Packages) "Dulany Frosted Uncooked—Unpeeled Shrimp."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 24, 1944. John H. Dulany & Son, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond on condition that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

7117. Adulteration of frozen shrimp. U. S. v. 14 Boxes of Frozen Shrimp. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13835. Sample No. 82015-F.)

LIBEL FILED: September 29, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about September 5, 1944, by Newark Sea Food Co., Newark, N. J.

PRODUCT: 14 boxes, containing about 1,900 pounds, of frozen shrimp at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 9, 1944. Fred Julick, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

FRUITS AND VEGETABLES

DRIED FRUIT

7118. Adulteration of evaporated apple chops. U. S. v. 250 Bags of Evaporated Apple Chops. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11837. Sample No. 945-F.)

LIBEL FILED: On or about February 28, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 17, 1943, by Valley Evaporating Co., from Yakima, Wash.

PRODUCT: 250 50-pound bags of evaporated apple chops at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and dirty apple chops.

DISPOSITION: August 31, 1944. L. Karp & Sons, Inc., Chicago, Ill., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be washed and cleaned and the bad segregated from the good, under the supervision of the Food and Drug Administration.

7119. Adulteration of dates. U. S. v. 50 Flats of Dates. Default decree of condemnation and destruction. (F. D. C. No. 11615. Sample Nos. 64823-F, 64824-F.)

LIBEL FILED: February 10, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about December 9, 1943, by United Date Growers of California, from Indio, Calif.

PRODUCT: 50 flats, each containing 15 pounds, of dates at Seattle, Wash.

Examination showed the presence of insect-infested, moldy, and decomposed dates.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance.

DISPOSITION: August 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7120. Adulteration of raisins. U. S. v. 24 Cases of Raisins. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 13378. Sample No. 65761-F.)

LIBEL FILED: On or about August 24, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about April 22, 1944, by Lion Packing Co., Fresno, Calif.

PRODUCT: 24 cases, each containing 150 boxes, of raisins at New York, N. Y.

LABEL, IN PART: (Boxes) "Lion Brand California Seedless Raisins."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: September 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal Institution. The product was disposed of as hog feed.

7121. Adulteration of raisins. U. S. v. 136 Boxes of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 12946. Sample No. 61696-F.)

LIBEL FILED: July 13, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about April 10, 1944, by Wm. A. Camp Co., Inc., from New York, N. Y.

PRODUCT: 136 30-pound boxes of raisins at New Orleans, La.

LABEL, IN PART: "Fancy Seeded Muscat Raisins Packed for Lion Packing Co. Fresno, Calif."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, and insect excreta.

DISPOSITION: August 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRESH FRUIT

7122. Adulteration of apples. U. S. v. 42 Baskets of Apples. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 13997. Sample No. 80285-F.)

LIBEL FILED: On or about August 23, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 18, 1944, by W. A. Lesseg, from Golden Eagle, Ill.

PRODUCT: 42 bushel baskets of apples at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the article contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: September 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, conditioned that the apples be peeled and cored and the peels and cores destroyed under the supervision of the Food and Drug Administration.

- 7123. Adulteration of apples. U. S. v. 24 Bushels of Apples. Default decree of condemnation. Product ordered delivered to a charitable institution.**
(F. D. C. No. 13996. Sample No. 80292-F.)
- LIBEL FILED:** On or about August 23, 1944, Eastern District of Missouri.
- ALLEGED SHIPMENT:** On or about August 21, 1944, by Sherman Produce Co., from Benton Harbor, Mich.
- PRODUCT:** 24 bushels of apples at St. Louis, Mo.
- LABEL, IN PART:** "Wealthy US No 1 * * * By Irving Arent R 1 Colma Mich."
- VIOLATION CHARGED:** Adulteration, Section 402 (a) (1), the article contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.
- DISPOSITION:** September 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, conditioned that the apples be peeled and cored and the peels and cores destroyed under the supervision of the Food and Drug Administration.
- 7124. Adulteration of apples. U. S. v. 38 Bushels of Apples. Default decree of condemnation. Product ordered delivered to a charitable institution.**
(F. D. C. No. 14588. Sample Nos. 80307-F, 90241-F.)
- LIBEL FILED:** August 28, 1944, Eastern District of Missouri.
- ALLEGED SHIPMENT:** On or about August 24, 1944, by Lee Webster, from Hamburg, Ill.
- PRODUCT:** 38 bushels of apples at St. Louis, Mo.
- VIOLATION CHARGED:** Adulteration, Section 402 (a) (1), the article contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.
- DISPOSITION:** September 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, conditioned that the apples be peeled and cored and the peels and cores destroyed under the supervision of the Food and Drug Administration.
- 7125. Adulteration of apples. U. S. v. 22 Bushels of Apples. Default decree of condemnation. Product ordered delivered to a charitable institution.**
(F. D. C. No. 14591. Sample No. 90239-F.)
- LIBEL FILED:** On or about August 30, 1944, Eastern District of Missouri.
- ALLEGED SHIPMENT:** On or about August 24, 1944, by Marion Webster, from Hamburg, Ill.
- PRODUCT:** 22 bushels of apples at St. Louis, Mo.
- VIOLATION CHARGED:** Adulteration, Section 402 (a) (1), the article contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.
- DISPOSITION:** September 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, conditioned that the apples be peeled and cored and the peels and cores destroyed under the supervision of the Food and Drug Administration.
- 7126. Adulteration of apples. U. S. v. 32 Bushels of Apples. Default decree of condemnation. Product ordered delivered to a charitable institution.**
(F. D. C. No. 14589. Sample Nos. 90237-F, 90238-F.)
- LIBEL FILED:** On or about August 30, 1944, Eastern District of Missouri.
- ALLEGED SHIPMENT:** On or about August 24, 1944, by Noah Webster, from Hamburg, Ill.
- PRODUCT:** 32 bushels of apples at St. Louis, Mo.
- VIOLATION CHARGED:** Adulteration, Section 402 (a) (1), the article contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.
- DISPOSITION:** September 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, conditioned that the apples be peeled and cored and the peels and cores destroyed under the supervision of the Food and Drug Administration.

7127. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13989. Sample No. 88314-F.)

LIBEL FILED: August 14, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 14, 1944, by Albert P. Allen, from Sedgwick, Maine.

PRODUCT: 5 crates, each containing 24 quarts, of blueberries at Boston, Mass. Analysis showed that the product was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: September 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7128. Adulteration of blueberries. U. S. v. 20 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13593. Sample No. 76750-F.)

LIBEL FILED: August 10, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about August 6, 1944, by Ralph Canonico, Temple, Pa.

PRODUCT: 20 crates, each containing 24 quart baskets, of blueberries at New York, N. Y.

The product was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: August 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7129. Adulteration of blueberries. U. S. v. 6 Crates and 10 Crates of Blueberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 13584, 13587. Sample Nos. 52538-F, 52539-F.)

LIBELS FILED: August 5, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 4, 1944, by Arnold Cheeney, from Farmington, N. H.

PRODUCT: 16 crates, each containing 24 quarts, of blueberries at Boston, Mass.

Examination showed that the product was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: September 5, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

7130. Adulteration of blueberries. U. S. v. 46 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13581. Sample No. 88263-F.)

LIBEL FILED: August 7, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 7, 1944, by Clifton H. Drew, from Rochester, N. H.

PRODUCT: 46 crates, each containing 24 quarts, of blueberries at Boston, Mass.

Analysis showed that the product was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: September 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7131. Adulteration of blueberries. U. S. v. 2 Crates and 1 Crate of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13993. Sample No. 88305-F.)

LIBEL FILED: August 9, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 8, 1944, by E. J. Evans, from Epsom N. H.

PRODUCT: 2 crates, each containing 22 quarts, and 1 crate containing 31 quarts of blueberries at Boston, Mass.

Analysis showed that the product was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: September 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed

7132. Adulteration of blueberries. U. S. v. 12 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13867. Sample No. 88268-F.)

LIBEL FILED: August 25, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 24, 1944, by Mrs. L. M. Holmes, from Stoddard, N. H.

PRODUCT: 12 crates, each containing 24 quarts, of blueberries at Boston, Mass. Analysis showed that the product was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: September 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7133. Adulteration of blueberries. U. S. v. 2 Crates and 8 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. Nos. 13583, 13992. Sample Nos. 52537-F, 76751-F.)

LIBELS FILED: August 5 and 10, 1944, District of Massachusetts and Southern District of New York.

ALLEGED SHIPMENT: On or about August 3 and 10, 1944, by Paul Saladago, from McAdoo, and Kelayres, Pa.

PRODUCT: 2 crates at Boston, Mass., and 8 crates at New York, N. Y., each crate containing 24 quarts of blueberries.

Analysis showed that the product was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: August 16 and September 5, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

7134. Adulteration of blueberries. U. S. v. 308 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13582. Sample No. 68132-F.)

LIBEL FILED: August 11, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 5, 1944, by the Sunshine Packing Corporation, North East, Pa.

PRODUCT: 308 crates, each containing 24 quarts, of blueberries at Cleveland, Ohio.

Analysis showed that the product was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: September 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7135. Adulteration of blueberries. U. S. v. 7 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13991. Sample No. 88301-F.)

LIBEL FILED: August 9, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 9, 1944, by Miss Priscilla Tufts, from Union, N. H.

PRODUCT: 7 crates, each containing 24 quarts, of blueberries at Boston, Mass. Analysis showed that the product was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: September 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FROZEN FRUIT

7136. Adulteration and misbranding of frozen cherries. U. S. v. E. J. Nugent & Sons. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 12519. Sample Nos. 13979-F, 39632-F.)

INFORMATION FILED: July 18, 1944, District of Colorado, against E. J. Nugent & Sons, a partnership, Loveland, Colo.

ALLEGED SHIPMENT: On or about August 19 and 30, 1943, from the State of Colorado into the State of California.

PRODUCT: Frozen cherries.

LABEL, IN PART: (Portion of product) "RSP Cherries."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), partially pitted cherries had been substituted in whole or in part for pitted cherries, which the product purported and was represented to be; and, Section 402 (a) (3), (portion) it consisted in whole or in part of a decomposed substance, rotten, moldy and fermenting cherries.

Misbranding, Section 403 (b), the product consisted of partially pitted cherries and was offered for sale under the name of another food.

DISPOSITION: August 28, 1944. A plea of nolo contendere having been entered, the defendant was fined \$100 on each of counts 1 and 3, involving the adulteration charges, and \$50 on each of counts 2 and 4, involving the misbranding charge, a total fine of \$300.

7137. Adulteration of frozen strawberries. U. S. v. 10 Barrels of Frozen Strawberries. Default decree of condemnation and destruction. (F. D. C. No. 12641. Sample No. 78217-F.)

LIBEL FILED: June 12, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 19, 1944, by Kruse's, Inc., from Plant City, Fla.

PRODUCT: 10 barrels of frozen strawberries at Philadelphia, Pa.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten berries.

DISPOSITION: July 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed and the barrels salvaged.

MISCELLANEOUS FRUIT PRODUCTS*

7138. Adulteration and misbranding of apple butter. U. S. v. 11 Cases of Apple Butter. Default decree of condemnation and destruction. (F. D. C. No. 13048. Sample No. 71058-F.)

LIBEL FILED: On or about July 31, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about January 18 and 24, 1944, by California Preserving Co., from Los Angeles, Calif.

PRODUCT: 11 cases, each containing 12 1-pound, 12-ounce jars, of apple butter at Medford, Oreg.

LABEL, IN PART: (Jars) "Catalina Brand Pure Apple Butter."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), an apple product insufficiently concentrated by heat had been substituted in whole or in part for apple butter, a food for which a definition and standard of identity has been prescribed by the regulations.

Misbranding, Section 403 (a), the name "Apple Butter" was false and misleading; and, Section 403 (g) (1), the product failed to conform to the definition and standard for apple butter because the soluble solids content of the finished article was less than 43 percent.

DISPOSITION: September 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7139. Adulteration of fig paste. U. S. v. 500 Cases of Fig Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12625. Sample No. 70837-F.)

LIBEL FILED: June 28, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about December 30, 1943, by Bonner Packing Co. from Fresno, Calif.

PRODUCT: 500 80-pound cases of fig paste at Seattle, Wash.

*See also No. 7195.

LABEL, IN PART: "Fine Grind Bonner Brand Adriatic Paste Figs."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and larvae.

DISPOSITION: July 24, 1944. Bonner Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be destroyed by distillation or denatured and used for animal feed, under the supervision of the Federal Security Agency.

7140. Adulteration of fig paste. U. S. v. 484 Cases of Fig Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12445. Sample No. 71030-F.)

LIBEL FILED: On or about May 29, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about March 18, 1944, by West Coast Growers and Packers, from Dinuba, Calif.

PRODUCT: 484 80-pound cases of fig paste at Portland, Oreg.

LABEL, IN PART: "Mecca Brand Fig Paste * * * Packed by Roeding Fig & Olive Co. Fresno, Calif."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, larva fragments, and insect fragments.

DISPOSITION: June 10, 1944. Roeding Fig & Olive Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be destroyed by distillation under the supervision of the Federal Security Agency.

7141. Misbranding of fig preserves. U. S. v. 7 Cases of Fig Preserves. Default decree of forfeiture. Product ordered delivered to charitable institutions. (F. D. C. No. 12270. Sample No. 26212-F.)

LIBEL FILED: May 3, 1944, Northern District of Indiana.

ALLEGED SHIPMENT: On or about October 27, 1943, by Dearborn Wholesale Grocers, Chicago, Ill.

PRODUCT: 7 cases, each containing 12 unlabeled 2½-pound jars, of fig preserves, at Lafayette, Ind.

The product was invoiced as fig preserves.

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (1), the article was a food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (e) (2), an accurate statement of the quantity of the contents; and, Section 403 (g) (2), the article purported to be and was represented (on invoice) as fig preserves, a food for which a definition and standard of identity has been prescribed by the regulations, but its label failed to bear the name of the food specified in the definition and standard.

DISPOSITION: August 8, 1944. No claimant having appeared, decree of forfeiture was entered and the product was ordered delivered to charitable institutions.

7142. Adulteration of prune juice concentrate. U. S. v. Anthony Joseph (Raisin Syrup Co.). Plea of not guilty. Trial by jury. Verdict of guilty. Fine, \$250 on count 1; imposition of sentence suspended on count 2 for a period of 1 year, during which time the defendant was to be on probation. Affirmed on appeal. Application for writ of certiorari denied by U. S. Supreme Court. (F. D. C. No. 9646. Sample Nos. 11063-F, 44580-F.)

INFORMATION FILED: On June 21, 1943, in the Southern District of California, against Anthony Joseph, trading as the Raisin Syrup Co., Fresno, Calif.

ALLEGED SHIPMENT: On or about December 30, 1942, and January 25, 1943, from the State of California into the State of Connecticut.

LABEL, IN PART: "Raisin Syrup Co. Smil-O-Brand * * * Stoddard Bros. Inc. * * * Hartford, Conn."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments and excreta, rodent hair fragments, hairs resembling rodent hairs, and hair fragments resembling rodent and cat hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: November 9 and 10, 1943. The defendant having pleaded not guilty, the case was tried before a jury and a verdict was returned of guilty on both of the counts in the information. On November 13, 1943, the court imposed a fine of \$250 on count 1 and suspended sentence on count 2 for a period of 1 year, during which time the defendant was to be on probation. The defendant having appealed to the Circuit Court of Appeals for the Ninth Circuit, on August 15, 1944, the following decision was handed down by that court, affirming the decision of the district court:

WILBUR, *Circuit Judge*: "Appellant Joseph was charged by information with a violation of the Federal Food, Drug, and Cosmetic Act, 21 U. S. C. A. §321 (f) The information contains two counts, one charging a shipment of contaminated food on January 25, 1943, and the second charging a similar shipment on December 30, 1942. The case was tried before a jury and judgment of conviction on the verdict was rendered on both counts.

"Appellant was sentenced to a fine of \$250 on the first count and, on the second count imposition of sentence was suspended for a year during which period he was placed on probation. The appellant entered into a stipulation of facts with the government in which, among other things, it was stipulated that the shipments alleged in the information were food. On the eve of the trial the appellant changed attorneys and on the day of the trial, November 10, 1943, without previous notice to the government appellant made a motion that he be relieved from the stipulation on the ground that the product shipped was not to be used as food without further processing. The motion was denied and no exception taken. The denial of this motion is assigned as error.

"The same question was raised on a motion for new trial. A further ground for the motion for new trial was that a government witness had been seen conversing with a juror.

"In the absence of exceptions taken in the trial court no point is raised for decision on appeal. Decision on motion for new trial is not reviewable in any event. The appellant argues that there was no evidence on the second count except the stipulation and therefore it cannot be considered as sufficient evidence of the crime without further proof of the corpus delicti. The proper way to raise this question in the lower court would be by motion for a directed verdict. None was made and consequently the question is not before us. Moreover, the stipulation covered all the facts necessary to show the commission of an offense and was sufficient without additional evidence.

"Affirmed."

DENMAN, *Circuit Judge* (concurring in the result, but dissenting from decision that in a criminal appeal, in the absence of a motion for a directed verdict, no question can be before the appellate court): "I dissent from the refusal on technical grounds to consider the cogently presented contention of appellant that the stipulation of the otherwise unproved fact, namely, that the shipment was a food, a fact necessary for conviction on both counts, was in the nature of a confession or admission and required further proof of the corpus delicti. The contention is an important one, seemingly of novel import.

"The statement that 'Moreover, the stipulation covered all the facts necessary to show the commission of an offense and was sufficient without additional evidence,' in no way warrants the refusal to consider appellant's contention, for, if it be correct, the stipulation is nonetheless a confession requiring corroboration because it contains all the elements of the crime.

"Where, as here, a motion is made and denied though no exception is taken, the majority opinion's statement that 'In the absence of exceptions taken in the trial court no point is raised for decision on appeal' is a return to the technical denial of appellate justice of *Sherwin v. United States*, 9 Cir., 112 F. 2d 503, 504, despite the reversal of that case in 312 U. S. 654, 61 S. Ct. 618, 85 L Ed. 1104. There the Supreme Court instructed us to consider the contention of the insufficiency of the evidence to sustain the verdict, though there was no exception to the denial of the motion to direct a verdict or to dismiss—an absurd order for the Supreme Court to make if, in the absence of an exception, the bill showed no point raised for decision on appeal.

"Likewise with regard to the failure of the bill of exceptions to show that appellant sought a directed verdict. I am ignoring the fact that the minutes of the trial court, appearing in the transcript, show that such a motion was made and that an exception was taken. It is not the law of this circuit that the question of the sufficiency of the evidence to sustain the verdict cannot be before us in the absence of such a motion. The repeated holdings of this court are that it will consider the merits of a contention that there is no evidence to

support the conviction, even though there be no motion for a directed verdict on that ground.

"In *Bailey v. United States*, 9 Cir., 13 F. 2d 325, 327, Judge Rudkin's opinion established the law for this circuit to be:

We are, of course, aware that there was no request for an instructed verdict at the close of the testimony, as suggested by counsel; but if there is no competent testimony to support the verdict of guilty, and more especially if it appears affirmatively that no crime has in fact been committed, the right and duty of this court to order a reversal is not open to question.

The judgment of the court below is therefore reversed, and the cause is remanded for a new trial.

"In that case the evidence was reviewed and the lower court was reversed."

"The *Bailey* case was followed in *Marco v. United States*, 9 Cir., 26 F. 2d 315, 316, where, without a motion for a directed verdict, the evidence was reviewed and the conviction sustained, the court holding:

The sufficiency of the testimony to support the verdict was not raised at the conclusion of all the testimony in the court below, and for that reason the question is not properly before us for review. Under such circumstances courts will only look into the record far enough to see that there has been no miscarriage of justice, or that there is some testimony tending to support the verdict.

"The court in the first case was constituted of Judges Gilbert, Hunt and Rudkin; in the second case of Judges Gilbert, Rudkin and Dietrich.¹

"However, in this appeal the contention the court refuses to consider does not require a review of the evidence, for the appellee's brief admits as to both counts on which appellant was held guilty that in the absence of the stipulation there was no proof of the necessary fact that the shipment in interstate commerce was a food. Concerning the second count, the necessary proof of contamination of the article shipped in interstate commerce does not appear other than in the stipulation. Appellant therefore is refused the consideration of what is purely a question of law which, if he be correct, has been decided below in a manner to constitute what this court has repeatedly described as 'a miscarriage of justice,' which it is our duty to consider.

"The position of appellant, in effect, is as follows: If appellant, after information filed but before trial, had met the United States Attorney and given him a signed confession that his interstate shipments were foods and were contaminated and later at the trial the United States Attorney had offered the confession in evidence, no crime was proved and no conviction could be had unless independent proof was made of the food nature of the shipment and its contamination. *Gordnier v. United States*, 9 Cir., 261 F. 910, 911; *Ryan v. United States*, 8 Cir., 99 F. 2d 864; *Gulotta v. United States*, 8 Cir., 113 F. 2d 683; *Anderson v. United States*, 6 Cir., 124 F. 2d 58. Hence, appellant's contention continues, the written confession of his agent, his counsel, contained in the stipulation, can have no higher value than the written confession of the agent's principal, the appellant.

"Appellee nowhere meets this contention with any case in which the question of the necessity of proof of the corpus delicti is raised. Appellee has cited no criminal case and our search has revealed none in which the effect of stipulations made before trial has been considered. It seems a question of novel import.

"In my opinion, such a stipulation, though in effect it be a confession, is not an extra-judicial act. The attorney for appellant's litigation is not a mere agent when he enters into a stipulation with the government's attorney. The attorneys of both parties are officers of the court and, since the making of the stipulation in existing litigation is within the functions of the appellant's attorney's office, the confession appearing in the stipulation is an action for the court itself and in that sense a judicial act. Though, before trial, its effect is no different in establishing the fact that such a stipulation made in the course of the trial, or, if the defendant took the stand, his statement there that the shipment was a food.

"The judgment should have been affirmed on the grounds here stated."

On September 20, 1944, the defendant filed a petition for a writ of certiorari with the U. S. Supreme Court and on November 20, 1944, such petition was denied.

¹ Since the instant case was decided, the principle of the *Bailey* and *Marco* cases has been reaffirmed in *Giles v. United States*, 9 Cir., 144 F. 2d 860. The court, constituted of Judges Denman, Stephens and Healy, considered as assigned error, though no objection was made or exception taken, "far enough to see that there has been no miscarriage of justice."

7143. Misbranding of imitation jam. U. S. v. 75 Cases of Imitation Strawberry Jam, 50 Cases of Imitation Cherry Jam, and 40 Cases of Imitation Raspberry Jam. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12965. Sample Nos. 58950-F to 58952-F, incl.)

LIBEL FILED: July 15, 1944, District of Maryland; amended August 29, 1944, to cover seizure of additional shipments.

ALLEGED SHIPMENT: From on or about May 8 to June 9, 1944, by Pantry Products Co., from New York, N. Y.

PRODUCT: 137 cases, each containing 24 1-pound jars, of imitation strawberry jam, 58 cases, each containing 24 1-pound jars, of imitation cherry jam, and 61 cases, each containing 24 1-pound jars, of imitation raspberry jam at Baltimore, Md.

Examination showed that the products contained ground carrots and were artificially flavored. They had the consistency, color, flavor, and odor of strawberry, cherry, and raspberry jams, respectively. There was no fruit tissue present in the imitation cherry jam and no fruit tissue or seeds present in the imitation strawberry or imitation raspberry jams.

The words "Pantry" and "Strawberry [or "Cherry," or "Raspberry"] Jam" were printed in prominent type, while the word "Imitation" and the statement of ingredients were printed in small, relatively inconspicuous type.

LABEL, IN PART: (Jars) "PANTRY Brand Imitation STRAWBERRY [or "CHERRY" or "RASPBERRY"] JAM."

VIOLATION CHARGED: Misbranding, Section 403 (g) (1), the articles purported to be and were represented by their appearance and the prominent designation, "PANTRY * * * STRAWBERRY [or "CHERRY or RASPBERRY"] JAM", as fruit jam, a food for which a definition and standard of identity has been prescribed by regulations, but they failed to conform to such definition and standard.

DISPOSITION: August 29, 1944. William Wallace, trading as Pantry Products Co., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled. An amended decree was entered December 4, 1944, ordering the destruction of that portion of the product which had become moldy, decomposed, or otherwise unfit for human consumption, and the relabeling of the remainder, under the supervision of the Food and Drug Administration.

7144. Adulteration and misbranding of preserves. U. S. v. 15 Cases of Boysenberry Preserves, 19 Cases of Loganberry Preserves and 3 Cases of Raspberry Preserves. Default decree of condemnation. Products ordered delivered to charitable institutions. (F. D. C. No. 12212. Sample Nos. 53887-F, 53888-F, 53890-F.)

LIBEL FILED: April 22, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about December 30, 1943, by Crown Products, Los Angeles, Calif.

PRODUCT: 15 cases, each containing 12 2-pound jars, of boysenberry preserves, 19 cases, each containing 12 2-pound jars, of loganberry preserves, and 3 cases, each containing 12 2-pound jars, labeled as containing 12 ounces, of raspberry preserves at Globe, Ariz.

LABEL, IN PART: (Jars) "Lady's Choice * * * Pure Boysenberry [or "Loganberry" or "Raspberry"] Preserves."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), products deficient in fruit and containing phosphoric acid or acid phosphate had been substituted in whole or in part for boysenberry, loganberry, or raspberry preserves, foods for which definitions and standards of identity have been prescribed by the regulations.

Misbranding, Section 403 (a), the names, "Pure Boysenberry Preserves," "Pure Loganberry Preserves," and "Pure Raspberry Preserves," were false and misleading; and the statement "Net Weight 12 Ounces Avd.," on the jar label of the raspberry preserves, was false and misleading since the jars contained 2 pounds; and, Section 403 (g) (1), the articles purported to be and were represented as fruit preserves, but they failed to conform to the definitions and standards of identity for such products since they were made from mixtures composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the definitions and standards, and since they contained phosphoric acid or acid phosphate, which is not permitted as an optional ingredient of fruit preserves.

DISPOSITION: June 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

CANNED VEGETABLES

7145. Adulteration of canned mustard greens. U. S. v. 276 Cases of Mustard Greens. Default decree of condemnation. Product ordered disposed of in compliance with the law. (F. D. C. No. 12978. Sample No. 61687-F.)

LIBEL FILED: July 21, 1944, Western District of Louisiana.

ALLEGED SHIPMENT: On or about May 15, 1944, by George F. Porbeck Co., Little Rock, Ark.

PRODUCT: 276 cases, each containing 24 1-pound 2-ounce cans, of mustard greens at Monroe, La.

Examination showed that the product contained an average of 7 pieces of grass per can, the blades averaging 5 inches in length.

LABEL, IN PART: "Mayfair Mustard Greens * * * Distributed By Central Cannery, Inc., Fayetteville, Arkansas."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), grass had been substituted in part for mustard greens; and, Section 402 (b) (4), grass had been mixed and packed therewith so as to reduce the article's quality.

Misbranding, Section 403 (a), the name "Mustard Greens," which appeared on the labeling, was false and misleading as applied to the article.

DISPOSITION: October 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of in accordance with the law.

7146. Adulteration of canned turnip greens. U. S. v. 57 Cases of Canned Turnip Greens. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12770. Sample No. 72769-F.)

LIBEL FILED: June 24, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 9, 1943, by Wilson Canning Co., from Barton, Ark.

PRODUCT: 57 cases, each containing 6 No. 10 cans, of turnip greens at Memphis Tenn.

LABEL, IN PART: (Cans) "Wilson Turnip Greens Contents 6 Lbs. 4 Ozs."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 8, 1944. The Wilson Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency.

7147. Misbranding of canned peas. U. S. v. 27 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 14126. Sample No. 75941-F.)

LIBEL FILED: October 25, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 21 and September 13, 1944, by Harold H. Clapp, Inc., from Rochester, N. Y.

PRODUCT: 27 cases, each containing 72 cans, of peas, at Pittsburgh, Pa.

LABEL, IN PART: "Clapp's Strained Baby Food Strained Peas Net Weight 5 Oz."

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (2), the product was food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Weight 5 Oz." was inaccurate.

DISPOSITION: December 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7148. Misbranding of canned peas. U. S. v. 774 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 13036. Sample No. 69694-F.)

LIBEL FILED: On or about August 1, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about August 14, 1943, by Fredonia Canned Foods, Inc., Fredonia, Wis.

PRODUCT: 774 cases, each containing 24 1-pound, 4-ounce cans, of peas at Lubbock, Tex.

LABEL, IN PART: (Cans) "Waubeka Brand Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below the standard prescribed by the regulations for such peas because of alcohol-insoluble solids in excess of 23.5 percent, and its label did not bear the sub-standard legend, as required by the regulations.

DISPOSITION: September 27, 1944. Fredonia Canned Foods, Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

7149. Misbranding of canned peas. U. S. v. 21 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 12298. Sample No. 62455-F.)

LABEL FILED: May 1, 1944, Southern District of Illinois.

ALLEGED SHIPMENT: On or about February 4, 1944, by Lucido Brothers Grocery Co., from St. Louis, Mo.

PRODUCT: 21 cases, each containing 24 1-pound, 4-ounce cans, of peas at Granite City, Ill.

LABEL, IN PART: (Cans) "Sav-on Brand * * * Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard.

DISPOSITION: July 1, 1944. No claimant having appeared, judgment of condemnation was entered, and the product was ordered delivered to a charitable institution.

7150. Misbranding of canned peas. U. S. v. 468 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12441. Sample No. 3989-F.)

LABEL FILED: On or about June 2, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 19, 1943, by Plymouth Canning Co., from Plymouth, Ind.

PRODUCT: 468 cases, each containing 24 1-pound, 4-ounce cans, of peas at Kansas City, Mo.

LABEL, IN PART: (Cans) "Plymouth Brand Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard.

DISPOSITION: August 4, 1944. Plymouth Canning Co., claimant, having admitted the misbranding charged, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

7151. Adulteration and misbranding of sauerkraut. U. S. v. 24 Cases of Sauerkraut (and 2 other seizure actions against sauerkraut.) Decrees of condemnation. One lot ordered released under bond. One lot ordered delivered to a Federal institution, and remaining lot ordered destroyed. (F. D. C. Nos. 12757, 12854, 13684. Sample Nos. 71276-F, 71305-F, 75055-F.)

LABELS FILED: From on or about June 28 to September 14, 1944, District of Oregon and Western District of Washington.

ALLEGED SHIPMENT: From on or about May 12 to June 12, 1944, by Goldsmith Pickle Co., from Galewood, Ill.

PRODUCT: 1,300 cases at Portland, Oreg., and 152 cases at Tacoma, Wash., each case containing 12 quart jars of sauerkraut.

The product contained excessive brine, the jars in the 3 shipments averaging 18.9, 21.2, and 20.2 ounces, respectively, of drained kraut, whereas quart jars should contain at least 25 ounces of drained kraut. In the Portland lots the jars appeared to hold more kraut than was actually present because of the tendency of the kraut to disperse in the packing medium.

LABEL, IN PART: (Jars) "Champion Brand," or "Goldsmith Brand."

VIOLATIONS CHARGED: Adulteration (all lots), Section 402 (b) (2), brine had been substituted in part for sauerkraut.

Misbranding, Section 403 (d), (Portland lots) the containers were so filled as to be misleading.

DISPOSITION: July 13, 1944. Goldsmith Pickle Co., claimant for one of the Portland lots, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be repacked under the supervision of the Food & Drug Administration. September 25 and October 27, 1944. No claimant having appeared for the remaining lots, judgments of condemnation were entered; the Tacoma lot was ordered delivered to a Federal institution, and the other lot at Portland (24 cases) was ordered destroyed.

7152. Adulteration and misbranding of sauerkraut. U. S. v. 1,204 Cases and 115 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 12855. Sample No. 41495-F.)

LIBEL FILED: On or about July 4, 1944, Southern District of Texas.

ALLEGED SHIPMENT: On or about April 20, 1944, by Mayfair Food Products Co., from Chicago, Ill.

PRODUCT: 1,204 cases, each containing 12 24-ounce jars, and 115 cases, each containing 24 1-pint jars, of sauerkraut at Victoria, Tex.

LABEL, IN PART: (Jars) "Mayfair Set Sauer Kraut."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), brine had been substituted in part for sauerkraut, which the article purported and was represented to be.

Misbranding, Section 403 (d), the containers were so filled as to be misleading, since the 24-ounce jars were large enough to hold at least 50 percent more sauerkraut and the pint jars were large enough to hold at least 25 percent more sauerkraut than they actually contained, and the jars appeared to contain more kraut than was the case.

DISPOSITION: August 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRIED VEGETABLES

7153. Adulteration of dried beans. U. S. v. 130 Bags of Dried Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12640. Sample No. 72537-F.)

LIBEL FILED: June 9, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 16, 1943, from Morrill, Nebr.

PRODUCT: 130 100-pound bags of dried beans, in possession of M. Livingston & Co., Paris, Tenn.

The product was stored under insanitary conditions after shipment. The bags were rodent-cut and contained rodent excreta and urine stains. Examination showed that the product contained rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 22, 1944. M. Livingston & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed or denatured for animal feed, under the supervision of the Federal Security Agency.

7154. Adulteration of red kidney beans. U. S. v. 109 Sacks of Red Kidney Beans. Default decree of condemnation and destruction. (F. D. C. No. 12866. Sample No. 61718-F.)

LIBEL FILED: July 7, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 17, 1944, by Gulley Grocery Co., from Pascagoula, Miss.

PRODUCT: 109 100-pound sacks of red kidney beans at New Orleans, La.

LABEL, IN PART: "New York State Red Kidney Beans * * * Packed by Cooperative G. L. F. Farm Products, Inc., General Office Ithaca, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and moldy beans.

DISPOSITION: August 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7155. Adulteration of pinto beans. U. S. v. 160 Bags of Pinto Beans. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12976. Sample No. 79487-F.)

LIBEL FILED: July 19, 1944, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about October 2, 1943, from Denver, Colo.

PRODUCT: 160 100-pound bags of pinto beans at Bradshaw, W. Va., in possession of Dry Fork Wholesale Grocery Co.

The product was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets were observed on them. Examination of the sample showed that the product contained rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 28, 1944. The Dry Fork Wholesale Grocery Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

7156. Adulteration of blackeyed peas. U. S. v. 325 Bags of Blackeyed Peas. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13324. Sample No. 35297-F.)

LIBEL FILED: On or about August 11, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about February 20, 1943, by Hamilton and Co., from Modesto, Calif.

PRODUCT: 325 bags, each containing 100 pounds, of blackeyed peas at Tampa, Fla.

LABEL, IN PART: "California Black Eyes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested peas.

DISPOSITION: August 17, 1944. The C. C. Richardson Co., Tampa, Fla., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was used for animal feed.

7157. Adulteration of chili peppers. U. S. v. 105 Bags of Chili Peppers. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13783. Sample No. 65776-F.)

LIBEL FILED: September 11, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about February 1, 1944, by Charles T. Wilson Co., Inc., Laredo, Tex.

PRODUCT: 105 bags, each containing approximately 92-pounds, of chili peppers at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect excreta.

DISPOSITION: September 22, 1944. Charles T. Wilson Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be cleaned and fumigated, or denatured for use as animal feed, under the supervision of the Food and Drug Administration.

FROZEN VEGETABLES

7158. Adulteration of frozen asparagus. U. S. v. 200 Cartons of Frozen Asparagus. Default decree of condemnation and destruction. (F. D. C. No. 12921. Sample Nos. 76171-F, 76174-F.)

LIBEL FILED: On or about July 14, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about June 5, 1944, by Genesee Valley Frozen Food, Vineland, N. J.

PRODUCT: 200 cartons, each containing 4 5-pound packages, of frozen asparagus at New York, N. Y.

LABEL, IN PART: (Packages) "Frosted Dew Brand."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7159. Adulteration of frozen green beans. U. S. v. 175 Cartons of Frozen Green Beans. Default decree of condemnation and destruction. (F. D. C. No. 12742. Sample No. 77520-F.)

LIBEL FILED: June 26, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about April 15, 1944, by Monmouth Products Co., from North Rose, N. Y.

PRODUCT: 175 10-pound cartons of frozen green beans at Newark, N. J.

LABEL, IN PART: (Cartons) "Fresh Frozen Cut Green Beans * * * Southland Products Co. New York."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 14, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7160. Adulteration of frozen broccoli. U. S. v. 180 Cartons of Frozen Broccoli. Default decree of condemnation and destruction. (F. D. C. No. 12428. Sample No. 59495-F.)

LIBEL FILED: May 29, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 21, 1944, by Sacramento Frosted Foods, Inc., from San Francisco, Calif.

PRODUCT: 180 cartons, each containing 4 4-pound packages, of frozen broccoli at Chicago, Ill.

LABEL, IN PART: (Packages) "Calameda Brand Broccoli."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: July 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7161. Adulteration of frozen green peas. U. S. v. 700 Cases of Green Peas. Default decree of condemnation and destruction. (F. D. C. No. 13347. Sample No. 52732-F.)

LIBEL FILED: August 16, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 26, 1944, by Monmouth Products Co., from Jersey City, N. J.

PRODUCT: 700 cases, each containing 36 packages, of frozen green peas at Boston, Mass.

LABEL, IN PART: (Package) "Polar Frosted Foods Green Peas * * * Packed by S. A. Moffett Co., Seattle, Wash."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: September 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

7162. Misbranding of canned tomatoes. U. S. v. 926 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond for re-labeling. (F. D. C. No. 12418. Sample No. 80049-F.)

LIBEL FILED: May 20, 1944, Southern District of Illinois.

ALLEGED SHIPMENT: On or about December 10, 1942, by Wampler Canning Co., from Clever, Mo.

PRODUCT: 926 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Granite City, Ill.

LABEL, IN PART: "Defense Brand Tomatoes."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the article purported to be and was represented as canned tomatoes, a food for which a standard of quality has been prescribed by regulations, but it contained peel and blemishes in excess of the amounts permitted, and it did not bear the substandard legend, as required by the regulations.

DISPOSITION: June 1, 1944. Tri-City Grocery Co., Granite City, Ill., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

7163. Misbranding of tomato catsup. U. S. v. 306 Cases of Tomato Catsup. Tried to the court. Judgment of condemnation entered; affirmed on appeal.
(F. D. C. No. 7801. Sample No. 77605-F.)

LIBEL FILED: June 24, 1942, Eastern District of New York.

ALLEGED SHIPMENT: On or about November 3, 1941, by Libby, McNeill & Libby, San Francisco, Calif.

PRODUCT: 306 cases, each containing 6 No. 10 cans, of tomato catsup at Brooklyn, N. Y.

LABEL, IN PART: "Sanford Tomato Catsup with Preservative."

VIOLATION CHARGED: Misbranding, Section 403 (g) (1), the article purported to be and was represented as tomato catsup, a food for which a definition and standard of identity has been prescribed, but it did not conform to such definition and standard since it contained a chemical preservative, benzoate of soda, the use of which is not permitted by the definition and standard.

DISPOSITION: January 17, 1944, to March 8, 1945. Libby, McNeill & Libby having appeared as claimant and filed an answer denying the misbranding of the product, the case came on for trial before the court without a jury. On May 24, 1944, the court, having considered the evidence and arguments of counsel, handed down the following memorandum opinion:

MOSCOWITZ, *District Judge*: "Libellant prays for a decree of this Court condemning approximately 306 cases of an article of food labeled in part 'Sandford Tomato Catsup with Preservative.' Claimant concedes that the article under seizure was shipped by it in interstate commerce to this district, and that it was seized by a Deputy United States Marshal within the jurisdiction of this Court.

"The libel charges that the seized article is misbranded within the meaning of the Federal Food, Drug and Cosmetic Act, 21 U. S. C. 343 (g) (1). If it is misbranded, it is subject to seizure and condemnation by authority of 21 U. S. C. 334. Under the applicable section of the Act, a food shall be deemed to be misbranded 'if it purports to be or is misrepresented as a food for which a definition and standard of identity has been prescribed . . . unless it conforms to such definition and standard . . .' Acting pursuant to 21 U. S. C. 341 and 371, the Federal Security Administrator issued an order, effective January 1, 1940, promulgating a definition and standard of identity for tomato catsup (4 F. R. 3454), and subsequently refused to amend the prescribed standard, upon the application of claimant, so as to permit the addition of benzoate of soda as an optional ingredient (6 F. R. 209).

"The product under seizure conforms in all respects to the definition and standard promulgated by the Administrator for tomato catsup, except that it contains in addition $\frac{1}{10}$ of 1% of benzoate of soda. The label on the seized product reads: 'Sandford Tomato Catsup with Preservative' (all in same size type). 'This product does not conform to the government standard for catsup. Contains $\frac{1}{10}$ of 1% of benzoate of soda.' Claimant contends (1) that it is not marketing tomato catsup, but an entirely separate and different product designated as 'tomato catsup with preservative', for which it claims no standard has been promulgated and which it has truthfully labeled, and (2) that the Administrator's refusal to permit the addition of benzoate of soda as an optional ingredient had no reasonable basis in fact and that the standard is therefore void.

"To give recognition to a distinction such as claimant asserts would be to thwart the entire purpose of the legislation herein sought to be enforced. The Congressional objective in authorizing the promulgation of standards for foods and requiring compliance therewith is stated in the statute to be to 'promote honesty and fair dealing in the interest of consumers'. Experience had shown that truthful labeling of a product was no protection to the bulk of the consuming public; if a product gave the appearance of being a certain food, the public assumed that it contained only those ingredients which were commonly associated with that food and the label was never consulted. Even a reference to the label might not enlighten a consumer on the nature of unfamiliar ingredients there set forth. To remedy this general situation, Congress authorized an administrative officer (originally the Secretary of Agriculture, whose functions in this respect were subsequently transferred to the Federal Security Administrator), either on his own initiative or upon application of interested persons,

to determine what ingredients in a particular food would promote honesty and fair dealing in the interest of consumers. When a standard has been promulgated for any food, any product which 'purports to be' or 'is misrepresented as' that food must conform to the standard or it is misbranded and subject to condemnation. That an additional ingredient not mentioned in the standard is non-deleterious is immaterial; the contents of the standard alone must be complied with. That the additional ingredient is plainly set forth on the label is immaterial; the contents of the standard alone must be complied with. As the Court stated in the recent case of *Federal Security Administrator v. Quaker Oats Co.*, 318 U. S. 218, where the addition of vitamin D to a product which in other respects complied with the standard for farina was conceded to be a non-conformity to the standard, even though vitamin D was a non-deleterious and even beneficial substance,

Both the text and the legislative history of the present statute plainly shows that its purpose was not confined to a requirement of truthful and informative labelling. False and misleading labeling had been prohibited by the Pure Food and Drug Act of 1906. But it was found that such a prohibition was inadequate to protect the consumer from "economic adulteration", by which less expensive ingredients were substituted . . . so as to make the product, although not in itself deleterious, inferior to that which the consumer expected to receive when purchasing a product with the name under which it was sold. Sen. Rep. No. 493, 73d Cong., 2d Sess., p. 10; Sen. Rep. No. 361, 74th Cong. 1st Sess., p. 10. The remedy chosen was not a requirement of informative labeling. Rather it was the purpose to authorize the Administrator to promulgate definitions and standards of identity "under which the integrity of food products can be effectively maintained", (H. R. Rep. 2139, 75th Cong., 3d Sess., p. 2; H. R. Rep. 2755, 74th Cong., 2d Sess., p. 4) and to require informative labeling only where no such standard had been promulgated, . . .

"In acting on his own initiative, it was evidently the Administrator's judgment that the promulgation of a standard for tomato catsup would promote honesty and fair dealing in the interest of consumers. After due deliberation being given to benzoate of soda as an ingredient, either in the standard or as a permitted optional, the Administrator's rejection thereof bars the inclusion of that chemical in any food which purports to be tomato catsup. It is not necessary to decide this Court's power to review the Administrator's determination in this respect for, assuming the power, his decision is held to be correct. The evidence indicates that the only purpose in adding benzoate of soda is to effect an economy in the cost of manufacture which amounts to approximately 25% difference in consumer price, resulting in a material economic advantage over competitors who achieve the same preservative quality by the use of a greater quantity of sugar, an approved ingredient. This economic adulteration is the very fraud which the statute was designed to combat. Although the product under seizure is sold only in No. 10 cans (7 lbs.) to institutional users for cocktail sauces and cooking, the evidence indicated that some of it found its way to individuals via unlabeled cruets on the counters of luncheonettes and small restaurants. The Administrator may well have found that honesty and fair dealing required that patrons of these luncheonettes were entitled to assume that the product they were using was the same tomato catsup they would purchase for home consumption. Catsup sold for home use in small bottles did not contain benzoate of soda. This would be a reasonable basis for the Administrator's refusal to amend the standard.

"It requires no extensive argument to reveal the obvious fallacy of claimant's contention that its product is one for which no standard has been promulgated. If every food for which a standard has been prescribed would become an entirely different food by the addition of one ingredient which apparently had no effect upon its taste or appearance, it would be a simple matter to completely evade and circumvent the purpose of food standards.

"That the product seized purports to be tomato catsup is apparent from the evidence. The word 'purport' is defined in Webster's New International Dictionary (1940) as meaning: 'To convey, imply or profess outwardly, as one's (esp. a thing's) meaning, intention, or true character; to have the appearance, often specious appearance, of being, intending, claiming, etc., (that which is implied or inferred)'. Certainly the product under seizure gave the appearance of being tomato catsup; it conveyed the impression, implied and professed outwardly, to the ordinary person that it was tomato catsup, and in fact it was just that. Claimant's own witness testified that it looked, smelled and tasted exactly like catsup and that even an expert would have difficulty in differentiating it from tomato catsup without analysis. Some of the invoices called it 'tomato catsup' or 'catchup' and made no mention of a preservative.

Most of the persons who purchased it thought of it only as catsup and were not aware that it contained benzoate of soda.

"The evidence clearly shows that the seized product is a food which purports to be tomato catsup, a food for which a definition and standard of identity has been promulgated, and that it does not conform to such standard in that it contains benzoate of soda, an ingredient not approved by the standard. It is therefore misbranded within the meaning of 21 U. S. C. 343 (g) (1) and is herewith condemned."

On August 1, 1944, judgment of condemnation was entered. On August 31, 1944, the claimant appealed to the United States Circuit Court of Appeals for the Second Circuit. On March 8, 1945, the following opinion was handed down by the circuit court, affirming the judgment of the district court:

SIMONS, *Circuit Judge*: "The Federal Security Administrator charged with enforcement of the Federal Food, Drug, and Cosmetic Act, acting under authority of §401 [21 U. S. C. §§343 (g), (k), 341] promulgated regulations establishing a definition and standard of identity for tomato catsup. The appellant produced and shipped in interstate commerce the condemned food product which concededly does not conform to the standard in that it contains sodium benzoate, a substance not permitted as an ingredient. The government's libel charged that the food was misbranded in violation of §403 (g), and this the appellant, as claimant, denies on the ground that the product was not sold as tomato catsup but as 'tomato catsup with preservative', the labels upon the containers specifically declaring that the product does not conform to government standard for catsup, and contains $\frac{1}{10}$ of 1% benzoate of soda.

"Sections 403 (g), (k), of the Act declare when a food is deemed to be misbranded, and insofar as the provisions are pertinent, they are printed in the margin.² The sole contention urged upon appeal is that the seized product being truthfully labeled, not deceptively packaged, and sold under a name accurately descriptive of its composition, is not misbranded within the meaning of §403 (g), because of the presence in the food of the sodium benzoate. It is urged that the branding of a product as relating to its characteristics and composition, is the sole basis for determining whether it is misbranded, and that the section does not have the effect, nor was it intended by Congress to have the effect of excluding any product from interstate commerce when it is sold for what it is. As a supplementary proposition, it is urged that misbranding of the specific product seized is not to be established by designations of identical products applied to them not by their producer but by retail dealers to their customers.

"As produced and shipped by the appellant, the condemned food is packed in #10 cans with the described labels thereon. It is catsup as defined by the Administrator, to which there has been added the minute quantity of sodium benzoate as a chemical preservative. This preservative is harmless, is commonly used in other foods, including oleomargarine, preserves, and jellies, and does not affect the viscosity, taste, smell, or appearance of the catsup. It is explained that there is a wide variation in the degree of concentration of catsup, and a well-established practice in the trade to call a catsup of the higher concentration 'fancy', and that of the lower concentration 'standard.' The difference in specific gravity between the two products is due to the difference in the quantity of added sugar, and the amount of added sugar is determined by the quantity of vinegar added. Catsup is rendered virtually sterile by heat processing, but will spoil after opening unless it contains a preserving agent. Vinegar, sugar, and salt, in combination, are good preserving agents when added in sufficiently large quantities. The amounts required by the standard are relatively small because added only as seasoning ingredients, so it had been the practice in the industry, quite generally, up to 1940, to add sodium benzoate to a lower concentration so as to give it a keeping quality comparable to catsup preserved by added sugar and vinegar.

² "Sec. 403: A food shall be deemed to be misbranded—

"(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 401, unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food."

"(k) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: * * *

While fancy catsup is packed in bottles for table use, standard catsup is packed in #10 cans and sold primarily to hotels, restaurants, and similar establishments, although standard catsup, to some extent, is used as table catsup in low priced restaurants. Generally, however, standard catsup is used in cooking and in the preparation of sauces. It costs about 25% less than table catsup because it contains less sugar which is a costly ingredient, and is in response to a demand for a less expensive product.

"The district court found the product under seizure to conform in all respects to the definition and standard promulgated by the Administrator, except for the addition of the small quantity of benzoate of soda, but held that it purported to be catsup, and so, since it did not conform to the standard, was misbranded. Decision therefore turns upon the meaning of the word 'purport' as used in §403 (g). The appellant contends that the label is controlling, that its product does not thereby purport to be catsup, even though it conforms in all respects to the standard, except for the added ingredient. It is a specific article, namely, tomato catsup with preservative, and since its label truthfully so indicates, there is no misbranding. The label may be disregarded only if it is assumed that §403 (g) expresses an intent on the part of the Congress to outlaw the manufacture of foods not conforming to applicable standards which, but for the standard, would be sold under the same common and usual name.

"It is impossible for us, in the light of controlling authority, to accept the contention. The condemned food is tomato catsup, and purports to be tomato catsup.³ If producers of food products may, by adding to the common name of any such product mere words of qualification or description, escape the regulation of the Administrator, then the fixing of a standard for commonly known foods becomes utterly futile as an instrument for the protection of the consuming public. Here is no artibrary or fanciful name, neither 'representative or misrepresentative' of a common food product, as in Judge Geiger's unreported case of *U. S. v. 24 $\frac{7}{8}$ Gallons of Smack* (E. D. Wis. 1926)⁴. Such designations invite inquiry as to what the food really is. The present product is intended to satisfy the demand and supply the market for—catsup. Emphasis is laid on its conforming to standard except for the preservative. The argument defeats itself, for if it is an article of food, distinguished from the standard by the qualification, then other ingredients may be added or defined ingredients or processes omitted without conflicting with the regulation, if containers are truthfully labeled.

"In *Security Administrator v. Quaker Oats Co.*, 318 U. S., 218, it was said that the statutory purpose to fix a definition of identity of an article of food sold under its common or usual name, would be defeated if producers were free to add ingredients, however wholesome, which are not within the definition, and so it was not an unreasonable choice of standards for the Administrator to adopt one which defined the familiar farina of commerce without permitting vitamin enrichment, and at the same time a standard for 'enriched' farina which permitted a restoration of vitamins removed from whole wheat by milling. The respondent in that case had marketed 'Quaker Farina Wheat Cereal, Enriched with Vitamin D'. Since this did not conform either to the standard adopted for farina, or to the standard adopted for enriched farina, it was held to be misbranded, although the label there as truthfully described the product as does the present label. The district judge was unable to distinguish the present case from the *Quaker Oats* case, and neither can we.

"In reviewing the text and legislative history of the present statute, Mr. Justice Stone, in the *Quaker Oats* case, pointed out that its purpose was not confined to a requirement of truthful and informative labeling. False and misleading labeling had already been prohibited by the 1906 Act. The remedy chosen was not a requirement of informative labeling, rather, it was the purpose to authorize the Administrator to promulgate definitions and standards of identity under which the integrity of food products could be effectively maintained, and to require informative labeling only where no such standard had been promulgated; where the food did not purport to comply with the standard; or where the regulations permitted optional ingredients, or required their mention on the label, and that the provision for such standards of identity reflect a recognition by Congress of the inability of consumers to determine, solely on the basis of informative labeling, the relative merits of a variety of

³ The Cannerymen's League of America, of which the appellant is a member, vainly sought an amendment to the standard for catsup. No standard was sought for catsup with preservative, nor was review had of the Administrator's rejection of the amendment.

⁴ Notice of judgment under Food and Drugs Act (1906) No. 14,416 (White and Gates, Decisions, p. 1181).

products superficially resembling each other. The court was unable to say that such standard of identity, designed to eliminate a source of confusion to purchasers, will not promote honesty and fair dealing within the meaning of the statute.

"Neither the decision nor its rationalization in the *Quaker Oats* case, can be escaped by a product that looks, tastes, and smells like catsup, which caters to the market for catsup, which dealers bought, sold, ordered, and invoiced as catsup, without reference to the preservative, and which substituted for catsup on the tables of low priced restaurants. The observation in the opinion that it was the purpose of the Congress to require informative labeling, 'where the food did not purport to comply with a standard' is not to be lifted out of its context, given a meaning repugnant to the decision, so as to limit 'purport' to what is disclosed by the label and to that alone.

"The contention that Congress did not intend to, and may not prohibit shipment of non-deleterious substances, is fully answered both in the *Quaker Oats* case and *U. S. v. Carolene Products Co.*, 304 U. S. 144, where the regulation is in the interest of consumers. *Libby, McNeill & Libby v. U. S.*, 210 Fed. 148 (C. C. A. 4). While the recent case in the Sixth Circuit, *U. S. v. 2 Bags more or less of Poppy Seeds*, 147 Fed. 2d 123, decided January 31, 1945, involved a libel under the adulteration section of the Act, § 402 (b) (3) and (4), it was there held that the appropriate inquiry is whether the ultimate purchaser will be misled. The contention of the appellant that transactions subsequent to the interstate movement of a food have no bearing upon whether the regulation or standard is avoided, and which is supported only by reference to the *Poppy Seed* case in the district court, 54 Fed. Supp. 706, now reversed, must be rejected. *Nolan v. Morgan*, 69 Fed. (2d) 471 (C. C. A. 7) and *U. S. v. Nesbitt Fruit Products Inc.*, 96 Fed. (2d) 972 (C. C. A. 5), did not involve standards of identity, and both cases were decided prior to the *Quaker Oats* case. The argument that an affirmance of the decision below will prevent the development of new foods and "lay a dead hand on progress" is one that may more appropriately be addressed to the Administrator or to Congress than to the courts.

"The order of condemnation is affirmed."

7164. Adulteration of dill tomato pickles. U. S. v. 114 Cases of Dill Tomato Pickles. Default decree of condemnation and destruction. (F. D. C. No. 12491. Sample No. 66796-F.)

LIBEL FILED: June 1, 1944, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about October 18, 1943, by Bond Pickle Co., from Oconto, Wis.

PRODUCT: 114 cases, each containing 12 quart jars, of dill tomato pickles at Oklahoma City, Okla.

LABEL, IN PART: (Jars) "Bond's Dill Tomato Pickles"

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 10, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MEAT AND POULTRY

7165. Adulteration of poultry. U. S. v. 15 Barrels of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 14068. Sample No. 45179-F.)

LIBEL FILED: October 24, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about July 27, 1944, by Litchfield Produce Co., from Melrose, Minn.

PRODUCT: 15 barrels, each containing approximately 35 to 40 Leghorn-type fowl, at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7166. Adulteration of poultry. U. S. v. 514 Boxes of Poultry. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13765. Sample No. 89608-F.)

LIBEL FILED: October 11, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 29, 1944, by Swift and Co., from Atlantic, Iowa.

PRODUCT: 514 boxes, each containing about 63 pounds, of poultry at St. Louis, Mo.

LABEL, IN PART: "Swift's Golden West Stewing, Fricassee or Braising Fowl."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 13, 1944. The Chicago, Burlington & Quincy Railroad Co., a corporation, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be examined, separated, and segregated, under the supervision of the Federal Security Agency, and the unfit portion disposed of for purposes other than human consumption.

7167. Adulteration of dressed poultry. U. S. v. 1 Barrel and 2 Crates of Chickens. Default decree of condemnation. Portion ordered delivered to the Food and Drug Administration; remainder ordered destroyed. (F. D. C. No. 13240. Sample No. 50988-F.)

LIBEL FILED: August 15, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 10, 1944, by Daisey Brothers Poultry Co., from Chincoteague, Va.

PRODUCT: 1 barrel containing 33 chickens, and 2 orange crates containing 24 chickens, at Philadelphia, Pa.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance since it was contaminated with fecal matter; and, Section 402 (a) (5), it was in whole or in part the product of diseased animals.

DISPOSITION: September 6, 1944. No claimant having appeared, judgment of condemnation was entered; the two crates of chickens were ordered delivered to the Food and Drug Administration and the remainder was ordered destroyed.

7168. Adulteration of chickens and turkeys. U. S. v. 51 Crates of Chickens and 2 Barrels of Turkeys. Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 10694. Sample Nos. 44777-F, 44778-F.)

LIBEL FILED: September 11, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about July 23, 1943, by Bauer Poultry Co., Chicago, Ill.

PRODUCT: 51 crates of chickens and 2 barrels of turkeys at Highland, N. Y.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy and decomposed substance by reason of the presence of poultry contaminated with fecal matter and decomposed poultry; and, Section 402 (a) (5), they were in whole or in part the products of diseased animals.

DISPOSITION: July 17, 1944. Newburgh Beef Co., Inc., Newburgh, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond, conditioned that the unfit portions be segregated and destroyed under the supervision of the Food and Drug Administration.

NUTS AND NUT PRODUCTS

7169. Adulteration of pecan meats. U. S. v. 107 Cartons of Pecan Meats. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12753. Sample No. 81791-F.)

LIBEL FILED: June 22, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about May 24, 1944, by Havana Packing Co., from Havana, Fla.

PRODUCT: 107 28-pound cartons of pecan meats at Brooklyn, N. Y.

LABEL, IN PART: (Cartons) "Le-Ko Brand Machine Run Pecan."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect excreta, webbing, and insect-damaged nut meats.

DISPOSITION: August 28, 1944. Havana Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

7170. Adulteration of shelled peanuts. U. S. v. 450 Bags of Shelled Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12024. Sample No. 40231-F.)

LIBEL FILED: March 16, 1944, Northern District of Iowa.

ALLEGED SHIPMENT: On or about January 31, 1944, from Suffolk, Va.

PRODUCT: 450 bags, each containing approximately 100 pounds, of shelled peanuts at Sioux City, Iowa, in possession of Palmer Candy Co.

The product was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent excreta pellets were found on the bags and the surrounding floor. Examination of the product showed that it was contaminated by rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 14, 1944. The Palmer Candy Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or brought into compliance with the law, under the supervision of the Food and Drug Administration.

7171. Adulteration of peanuts. U. S. v. 14 Bags of Peanuts. Default decree of condemnation and destruction. (F. D. C. No. 13066. Sample No. 75618-F.)

LIBEL FILED: July 26, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 16, 1943, by Farmers Peanut Co., Inc., from Cairo, Ga.

PRODUCT: 14 bags, each containing 125 pounds, more or less, of peanuts at Pittsburgh, Pa.

LABEL, IN PART: "Farmers Peanut Co. Inc. Cairo, Georgia Spanish Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of larvae, insects, insect excreta, sand, dirt, and moldy peanuts.

DISPOSITION: August 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7172. Adulteration of peanuts. U. S. v. 9 Bags of Peanuts. Default decree of condemnation and destruction. (F. D. C. No. 12934. Sample No. 68463-F.)

LIBEL FILED: July 13, 1944, Southern District of Indiana.

ALLEGED SHIPMENT: On or about May 10, 1943, by Huter Quest and Co., from Louisville, Ky.

PRODUCT: 9 bags, each containing 125 pounds, of peanuts at Evansville, Ind.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect-damaged peanuts, and webbing.

DISPOSITION: August 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7173. Adulteration of peanuts. U. S. v. 48 Bags of Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14459. Sample No. 89741-F.)

LIBEL FILED: November 8, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 27, 1944, by the Farmers Cotton and Peanut Co., from Plymouth, N. C.

PRODUCT: 48 100-pound bags of peanuts at St. Louis, Mo.

LABEL, IN PART: "Select Hand Picked Jumbo Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested, moldy, and decomposed peanuts.

DISPOSITION: November 29, 1944. Joseph C. Pigloski, St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7174. Adulteration of peanuts and peanut butter sandwiches. U. S. v. Murrell B. Frazier (M. B. Frazier & Son). Plea of guilty. Fine, \$1,000. (F. D. C. No. 11407. Sample Nos. 58710-F to 58719-F, incl., 58721-F.)

INFORMATION FILED: May 26, 1944, District of Columbia, against Murrell B. Frazier, trading as M. B. Frazier & Son, Washington D. C., alleging that the defendant, on or about December 8 and 11, 1943, unlawfully stored and held in interstate commerce in the District of Columbia, and caused to become adulterated, a quantity of peanuts, and that on or about December 8, 1943, he unlawfully manufactured in the District of Columbia a quantity of salted peanuts and peanut butter sandwiches which were adulterated.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of larvae, cast skins, larva head capsules, adult insects, insect fragments, insect excreta pellets, larva or beetle heads, mites, psocids, rodent hair fragments, rodent excreta pellets and pellet fragments, and hairs resembling rodent hairs; and, Section 402 (a) (4), they had been prepared, packed, or held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 26, 1944. A plea of guilty having been entered, a fine of \$1,000 was imposed.

7175. Misbranding of peanut butter. U. S. v. 74 Cases and 214 Cases of Peanut Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12493. Sample Nos. 70790-F, 70791-F, 70797-F, 70798-F.)

LIBEL FILED: June 3, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about May 15, 1943, by Cherokee Products Co., from Haddock, Ga.

PRODUCT: 74 cases, each containing 24 jars, and 214 cases, each containing 12 jars, of peanut butter at Tacoma, Wash.

LABEL, IN PART: "Georgia Gold Net Weight 1 Lb. [or "Net Wt. 1 Lb. 8 ozs."] Peanut Butter."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements "Net Weight 1 Lb." and "Net Wt. 1 Lb. 8 ozs." were false and misleading as applied to the article, which was short-weight; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: November 27, 1944. The Cherokee Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7176. Adulteration of peanut butter. U. S. v. 20 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 13322. Sample No. 79805-F.)

LIBEL FILED: August 8, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about July 2, 1944, by Southgate Foods, from Norfolk, Va.

PRODUCT: 20 cases, each containing 24 1-pound jars, of peanut butter, at Washington, D. C.

LABEL, IN PART: (Jar) "Lynnhaven Brand Peanut Butter Seasoned with Salt."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirt.

DISPOSITION: September 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7177. Adulteration of walnuts in shell. U. S. v. 15 Bags of Walnuts. Default decree of condemnation and destruction. (F. D. C. No. 13421. Sample No. 75862-F.)

LIBEL FILED: August 24, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about November 30, 1943, by California Walnut Growers Association, from Los Angeles, Calif.

PRODUCT: 15 100-pound bags of walnuts at Buffalo, N. Y.

LABEL, IN PART: "Diamond Brand Walnuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: September 26, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OILS AND FATS

7178. Adulteration and misbranding of oil. U. S. v. Henry Plumer (Chandu Coffee Co.). Plea of guilty. Sentence suspended and defendant placed on probation for 1 day. (F. D. C. No. 7222. Sample Nos. 74390-E, 74391-E.)

INFORMATION FILED: June 8, 1944, Southern District of New York, against Henry Plumer, trading as Chandu Coffee Co., Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about August 23, 1941, from the State of New York into the State of New Jersey.

LABEL, IN PART: (Front panel) "Fine Edible Oil P. Enrico Brand."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), inferiority had been concealed by the addition of artificial flavoring and coloring; and, Section 402 (b) (4), artificial coloring and flavoring had been added to the article so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (c), the article was an imitation of another food, olive oil, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403 (e) (1), the article was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (k), it contained artificial flavoring and coloring and did not bear labeling stating that fact; and, Section 403 (f), the information required by law to appear on the labeling was not placed thereon in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since the can label bore representations in the Italian language, including the statement, "Quest Olio E Specialmente Preparato Per Il Gusto Italiano," and the English equivalent, "This Oil is Specially Prepared for the Italian Trade," and by reason of the representations, the food purported to be prepared especially for the Italian purchaser, whereas the information required by law to appear on the labeling did not appear thereon in the Italian language.

DISPOSITION: June 28, 1944. A plea of guilty was entered; sentence was suspended and the defendant was placed on probation for 1 day.

7179. Adulteration and misbranding of oil. U. S. v. Salvatore Francese, Rocco Palmieri, and Frank Saviano (Domestic Oil Co.). Pleas of guilty. Each defendant fined \$25. (F. D. C. No. 7223. Sample Nos. 51625-E, 51626-E.)

INFORMATION FILED: On July 14, 1944, in the Southern District of New York, against Salvatore Francese, Rocco Palmieri, and Frank Saviano, trading as Domestic Oil Co., New York, N. Y.

ALLEGED SHIPMENT: On or about July 17, 1941, from the State of New York into the State of Rhode Island.

LABEL, IN PART: "Pulcella Brand Olio Finissimo. * * * Corn Oil With Color and Flavor Added," or "Extra Fine Oil Gioiosa Brand Pure Oil."

VIOLATIONS CHARGED: Adulteration (Pulcella Brand), Section 402 (b) (2), a substance consisting essentially of cottonseed oil, artificially colored and artificially flavored to simulate olive oil, had been substituted in whole or in part for corn oil with color and flavor added.

Misbranding (Pulcella Brand), Section 403 (a), the statement, "Corn Oil With Color and Flavor Added," was false and misleading; and, Section 403 (b), the article was offered for sale under the name of another food.

Misbranding (Gioiosa Brand), Section 403 (a), the statements, "Pure Oil" and "We guarantee this oil to be absolutely pure under chemical analysis," were

false and misleading as applied to an oil to which had been added artificial color and artificial flavor.

Misbranding (both brands), Section 403 (c), the product was artificially colored and artificially flavored in imitation of olive oil, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated, olive oil.

DISPOSITION: September 22, 1944. Pleas of guilty having been entered, each defendant was fined \$25.

7180. Adulteration and misbranding of olive oil. U. S. v. 80 Cartons of Olive Oil. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 13910. Sample No. 79111-F.)

LIBEL FILED: On or about October 17, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 14, 1944, by Frank Scappatura, from Oakland, Calif.

PRODUCT: 80 cartons, each containing 1 5-gallon can, of olive oil at Chicago, Ill.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), an oil other than olive oil had been substituted in whole or in part for olive oil.

Misbranding, Section 403 (a), the label statement "Olive Oil" was false and misleading as applied to an article consisting essentially of an oil other than olive oil.

DISPOSITION: November 15, 1944. V. Formusa Co., Chicago, Ill., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

7181. Adulteration and misbranding of peanut oil. U. S. v. 31 Cases of Peanut Oil (and 1 other seizure action against peanut oil). Decrees of condemnation. Portion ordered released under bond to be relabeled; remainder ordered destroyed. (F. D. C. Nos. 11606, 13017. Sample Nos. 60408-F, 71933-F, 71934-F.)

LIBELS FILED: January 10 and August 9, 1944, Northern District of California and Western District of Washington.

ALLEGED SHIPMENT: On or about November 8 and 11, 1943, by Agash Refining Corporation, from Brooklyn, N. Y.

PRODUCT: 31 cases, each containing 24 1-pint bottles, of peanut oil at San Francisco, Calif., and 302 cases, each containing 24 pint bottles, and 155 cases, each containing 12 quart bottles, of peanut oil, at Seattle, Wash.

LABEL, IN PART: (Bottles) "Royal Cook Brand * * * Peanut Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of peanut and cottonseed oils had been substituted in whole or in part for peanut oil, which the article purported to be.

Misbranding, Section 403 (a), the statement "Peanut Oil" was false and misleading as applied to the article; Section 403 (b), the product was offered for sale under the name of another food; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: May 20 and October 14, 1944. The Agash Refining Corporation and Italian Cook Oil Corporation, its successor, claimant for the Seattle lot, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. No claimant having appeared for the San Francisco lot, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by delivering the article to a local charitable institution.

SPICES, FLAVORS, AND SEASONING MATERIALS

7182. Adulteration and misbranding of ground cinnamon. U. S. v. 34 Cartons of Cinnamon. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 12687. Sample No. 80035-F.)

LIBEL FILED: June 14, 1944, Eastern District of Missouri. Amended libel filed July 8, 1944.

ALLEGED SHIPMENT: On or about April 12, 1944, by LaSalle Mfg. Co., from Chicago, Ill.

PRODUCT: 34 cartons, each containing 24 1-ounce cans, of ground cinnamon at Mexico, Mo.

LABEL, IN PART: (Cans) "Florence Nightingale Pure Ground Cinnamon."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent of cinnamon had been in part omitted from the article; Section 402 (b) (2), a substance, seed meal, had been in part substituted for ground cinnamon, which the article was represented to be; and, Section 402 (b) (4), seed meal had been added to the article and mixed and packed therewith so as to increase its bulk and reduce its quality and strength.

Misbranding, Section 403 (a), the name "Pure Ground Cinnamon" was false and misleading as applied to a mixture of cinnamon and seed-meal tissue; and, Section 403 (d), the container was so filled as to be misleading since the cinnamon occupied only half the volume of the cans.

DISPOSITION: August 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

7183. Misbranding of powdered cinnamon. U. S. v. 71 Dozen Tins of Powdered Cinnamon. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 12998. Sample No. 69695-F.)

LIBEL FILED: July 28, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about February 3 and March 11, 1944, by General Spice Co., Chicago, Ill.

PRODUCT: 71 dozen tins, containing either $\frac{1}{2}$ ounce or 1 ounce, of powdered cinnamon at Lubbock, Tex.

The product was packed in shaker cartons, the containers of the $\frac{1}{2}$ -ounce and 1-ounce size being identical.

LABEL, IN PART: (Tin) "General Brand * * * Pure Cinnamon."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container of the $\frac{1}{2}$ -ounce cartons was so filled as to be misleading since the cinnamon occupied less than half of the volume of the carton.

DISPOSITION: September 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

7184. Adulteration of ginger root. U. S. v. 78 Bags of Ginger Root. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12746. Sample No. 52637-F.)

LIBEL FILED: June 22, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 29, 1943, and February 29, 1944, by Percy Junor, Ltd., from Spaulding, Jamaica.

PRODUCT: 78 bags, each containing 190 pounds, of ginger root at Millis, Mass.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and beetles.

DISPOSITION: July 10, 1944. The Clicquot Club Co., Millis, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered (amended July 31, 1944) providing that the product be released under bond to be reconditioned by fumigation and brushing and polishing, to sift out all dirt, insects, and insect excreta.

7185. Adulteration of poppy seed. U. S. v. 2 Bags, 3 Bags, and 43 Bags of Poppy Seed. Tried to the court. Judgment of dismissal entered. Reversed on appeal. (F. D. C. Nos. 6662, 7388, 8253. Sample Nos. 77031-E, 77032-E, 79333-E, 6301-F.)

LIBELS FILED: Between January 8 and August 25, 1942, Northern District of Ohio, Middle District of Pennsylvania, and Eastern District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of November 19, 1941, and February 25, 1942, by Arco Products Co., from Brooklyn, N. Y.; and on or about April 3, 1942, by the Royale Popcorn Co., of Cleveland, Ohio, from Utica, N. Y.

PRODUCT: 2 bags at Cleveland, Ohio, 3 bags at Wilkes-Barre, Pa., and 43 bags at St. Louis, Mo., each bag containing 110 pounds of poppy seed.

Examination showed the article to be white poppy seed, one lot being artificially colored with a black carbon pigment, and the other 2 lots being artificially colored black with charcoal.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (3), inferiority had been concealed by the addition to the article of artificial color in one lot and charcoal in the other lots; and, Section 402 (b) (4), artificial color in one lot and charcoal in the other lots had been added to the article so as to make it appear better or of greater value than it was.

DISPOSITION: December 6, 1943, to January 31, 1945. The Arco Products Co., claimant, having denied the material allegations of the libels, and the cases having been consolidated for trial in the Northern District of Ohio, the matter came on for trial before the court without a jury. The court, after hearing the evidence and arguments of counsel, took the case under advisement, and, on February 3, 1944, it handed down the following memorandum opinion:

WILKIN, District Judge: "This is a civil action in which the plaintiff seeks judgment that certain bags of poppy seeds shipped by Arco Products Company in interstate commerce be seized and confiscated. The gravamen of the complaint is that the seeds were adulterated within the meaning of Section 342 (b) (3) and Section 342 (b) (4) of Title 21 U. S. Code. The defendant contends that there is no basis for the complaint in fact or law. In last analysis the issue turns upon a point of law.

"The undisputed or established facts are that the defendant shipped to jobbers in other states white poppy seeds known as British India seeds which had been colored by charcoal pigment made from burned poppy seeds. A short time after this country's involvement in the present war Dutch Blue and Turkish poppy seeds went off the market. These seeds have a natural blue or dark grey color and had been used extensively, almost exclusively, for decorative and flavoring purposes in the manufacture of bread, rolls, and other baked goods. When the only available poppy seed on the market was the British India white seed, the defendant devised a method of coloring it for 'eye appeal'. There was a marked difference between the price of Dutch Blue and Turkish seeds, on the one hand, and the British India seeds, on the other. The dark seeds sold for 65 to 90 cents a pound, while the white seeds sold for 10 to 11 cents a pound. The white seeds after being colored sold for 22½ cents a pound. The seeds were shipped in bags labeled 'Produce of British India. Artificially colored with vegetable colors.' In the bills sent to jobbers the goods shipped were referred to as 'White poppy seed from British India. Artificially colored.'

"Counsel for plaintiff, at the beginning of the argument, in their brief, say:

"The question now arises on all of the testimony as to:

- I. WHETHER THE ARTICLE IS ADULTERATED WITHIN THE MEANING OF SECTION 342 (b) (3), TITLE 21, U. S. C., IN THAT *INFERIORITY HAS BEEN CONCEALED BY ADDITION OF SUBSTANCE, CHARCOAL.*
- II. WHETHER THE ARTICLE IS ADULTERATED WITHIN THE MEANING OF SECTION 342 (b) (4), TITLE 21, U. S. C. IN THAT *SUBSTANCE, CHARCOAL, HAS BEEN ADDED THERE-TO SO AS TO MAKE IT APPEAR BETTER OR OF GREATER VALUE THAN IT IS.'*

"If those questions are answered with reference to retailers and consumers they would have to be answered in the affirmative. If however, they are answered with reference to jobbers, the evidence convinces the court that they should have a negative answer. In spite of the fact that the British India seeds on close examination reveal a smaller size and a more uniformly black or very dark grey shade and that Dutch Blue and Turkish seeds are somewhat larger and contain variegated shades of color, still a cursory look at the seeds would reveal no difference. Any one inexperienced in such matters would fail to note the difference between the naturally dark seeds and the artificially colored seeds. While the difference in flavor, if any, is slight and there is no difference in food value, there is nevertheless a difference in commercial value or price, and the coloring of the white seeds does conceal that price inferiority and does make the white seeds appear better or of greater value than they are. The court is satisfied from the evidence that jobbers are well aware of the distinctions and would not be deceived by the artificial coloring, especially when they are sold under a label informing the purchaser that they are the product of British India, artificially colored. The difference in price would also be a well understood notice to jobbers that the seeds sold were not Dutch Blue or Turkish.

"In view of these facts the legal issue arises whether the questions are to be answered with reference to the retailer and consumer or whether merely as to the consignee in the interstate sale. In view of the holding in a long line of decisions, the legality of the product must be tested by its condition at the time of seizure and not by what its condition might be after it has passed beyond interstate commerce channels or been transposed from the packages in which it was shipped or changed in form or content. *U. S. v. 492 cases*, more or less, *Orange Juice, etc.*, 20 F. Supp. 520; *U. S. v. Great Atlantic & Pacific Tea Co.* 92 F. (2d) 610 (syl. 3, 4, p. 611); *Austin v. Tennessee*, 179 U. S. 343; *Sonneborn Bros. v. Cureton*, 262 U. S. 506; *Schechter Corp. v. U. S.*, 295 U. S. 495, (syl. 3, 4).

"It seems to this court that this case falls within the principles announced in *U. S. v. 492 cases Orange Juice, supra*, *U. S. v. Nesbitt Fruit Products*, 96 F. (2d) 972, and in *U. S. v. Lexington Mill & Elevator Co.*, 232 U. S. 399. In the latter case the Supreme Court held that the bleaching of flour was not within the inhibition of the statute, the purpose of the bleaching being to make bread whiter in appearance and therefore more pleasing to the eye. In this case white poppy seeds are darkened in order to give a contrast to the whiteness of the bread to which they are applied, for the same reason, to make the product more pleasing to the eye. In this respect their use is like the coloring used in candy.

"There was evidence in this case that some baker used colored poppy seed not as a decoration but mixed with the dough and that the coloring faded and darkened the finished product. But that experience was the result of a sale subsequent to the interstate shipment. If the public is to be protected against the sale of colored poppy seeds unlabeled or improperly labeled it will require state law and state administration. Federal authorities cannot construe the Act of Congress as forbidding the shipment of goods properly labeled merely because they may be subsequently sold without proper label or designation. If the interstate shipment is not a 'palming off' of something inferior it is not in violation of the statute merely because it has a potentiality of deception. In the *Orange Juice* case above the court said:

It is true that the beverage which the retailer thus prepares and sells is inferior to pure orange juice in its vitamin content, and the added color tends to conceal the weakness of the orange juice content, but this beverage is not shipped in interstate commerce, and its preparation and sale is not within the Food & Drugs Act. (96 F. (2d) 972, 3.)

In this case the same seeds may be sold by the retailer as were shipped in interstate commerce, but this court should not anticipate or presume that they will be sold fraudulently. This court having found that the seeds in this case were labeled and billed for what they actually were, should not determine that they are contraband merely because of the possibility that they might be used subsequently to deceive. The complaint is therefore dismissed and the seized goods are ordered returned to the defendants owner."

In accordance with the foregoing opinion, the court, on May 25, 1944, handed down its findings of fact and conclusions of law, and, on the same date, judgment was entered dismissing the libel against the Cleveland lot, and ordering the return of the seized goods to their owner, and further ordering that similar entries be filed in the records of the District Courts in which the two other consolidated cases had originated. Notice of appeal to the United States Circuit Court of Appeals for the Sixth Circuit was filed by the Government on June 6, 1944, and on January 31, 1945, the following opinion was handed down by that court:

MARTIN, *Circuit Judge*. "The District Court dismissed a complaint filed as a libel in rem on information by the United States Attorney for the Northern District of Ohio for the seizure and condemnation of two bags, more or less, each containing 110 pounds of poppy seeds, shipped in interstate commerce from Brooklyn, New York, to Cleveland, Ohio; and ordered the seized goods returned to the owner. The libel was grounded upon averments that the poppy seeds were adulterated within the meaning of Section 402 (b) (3) of the Federal Food, Drug, and Cosmetic Act [21 U. S. C. A., Section 342(b) (3)], which provides: 'A food shall be deemed to be adulterated—(3) if damage or inferiority has been concealed in any manner;' and of Section 402 (b) (4) of the Federal Food, Drug, and Cosmetic Act [21 U. S. C. A., Section 342 (b) (4)], which provides: 'A food shall be deemed to be adulterated—(4) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.'

Upon the evidence in the case, the district court found that the owner and claimant of the seized merchandise, the Arco Products Company of Brooklyn, New York, had shipped the poppy seeds in interstate commerce to jobbers, and not to ultimate consumers; that the poppy seeds were intended to be used as food and components of food for human consumption; and prior to shipment had been colored by charcoal pigment made from burnt poppy seeds. It was found further that these poppy seeds, products of British India, were naturally of a whitish color and, when uncolored, had a market value ranging from ten to eleven cents a pound; but, when artificially colored, they had a market value of about twenty-two-and-a-half cents a pound. There was a marked difference in the market value of these British India poppy seeds, on the one hand and Dutch blue and Turkish grey poppy seeds, on the other. The latter were much more expensive. The coloring of the Dutch and Turkish seeds was natural and they were somewhat larger than the British India, white poppy seeds.

"The Dutch and Turkish seeds have been used extensively—indeed, almost exclusively—for decorative and flavoring purposes in the manufacture of bread, rolls and other baked goods. After the United States became involved in World War II, the Dutch blue and Turkish grey poppy seeds were hardly procurable at all, making the British India product the only available poppy seeds on the market.

"The Arco Products Company devised a method of coloring British India white poppy seeds with charcoal pigment, made from burnt poppy seeds; so that, as found by the district court, the 'British India poppy seeds resembled in color and shape the genuine Dutch blue and Turkish grey poppy seeds, except that the artificially colored seeds were of a size smaller, and had a more uniformly black or dark grey shade than the genuine Dutch blue and Turkish grey poppy seeds respectively.'

"The court found further that there is little, if any, difference in flavor, and no difference in food value of the naturally and the artificially colored seeds; and that a person inexperienced in such matters would fail to notice the difference between the Dutch blue or Turkish grey poppy seeds and the artificially colored British India white poppy seeds. It was found that the purpose of the Arco Products Company in the coloration was to impart 'eye appeal' to the white poppy seeds which were shipped by it in interstate commerce, to jobbers only, in bags labeled: 'Produce of British India. Artificially colored with vegetable colors.'

"Pointing out that jobbers in the trade were well aware of the difference between the poppy seeds, whether in their natural state or artificially colored, and could not have been deceived by the artificial coloring, particularly where the seeds were shipped in bags with informative labels, the district court concluded its findings of fact with this important finding:

" 'The addition of charcoal pigment made from burnt poppy seeds to the British India white poppy seeds tended to conceal the price inferiority of said poppy seeds in the hands of the ultimate consumers, but not the jobbers, and tended to make them appear better and of greater value than they were in that the inferiority thereof had been concealed by addition of substance, charcoal, and that the substance, charcoal, had been added thereto so as to make it appear better or of greater value than it was.'

"This last finding, as was each of the other findings of the court, was supported by substantial evidence.

"In a memorandum opinion, the district judge stated that, on all the testimony, the questions presented were whether the article is adulterated within the meaning of Section 342 (b) (3), Title 21, U. S. C. A., in that inferiority has been concealed by addition of charcoal; and whether the article is adulterated within the meaning of Section 342 (b) (4), 21 U. S. C. A., in that charcoal has been added thereto so as to make the article appear better or of greater value than it is. He thus answered the questions which he put: 'If those questions are answered with reference to retailers and consumers they would have to be answered in the affirmative. If, however, they are answered with reference to jobbers, the evidence convinces the court that they should have a negative answer. In spite of the fact that the British India seeds on close examination reveal a smaller size and a more uniformly black or very dark grey shade and that Dutch blue and Turkish seeds are somewhat larger and contain variegated shades of color, still a cursory look at the seeds would reveal no difference. Anyone inexperienced in such matters would fail to note the difference between the naturally dark seeds and the artificially colored seeds. While the

difference in flavor, if any, is slight and there is no difference in food value, there is nevertheless a difference in commercial value or price, and the coloring of the white seeds does conceal that price inferiority and does make the white seeds appear better or of greater value than they are.'

"Inasmuch as jobbers, who were the consignees, were well aware of the distinctions between the seeds, the district court reasoned that 'the legality of the product must be tested by its condition at the time of seizure and not by what its condition might be after it has passed beyond interstate commerce channels or been transposed from the packages in which it was shipped or changed in form or content;' that 'if the public is to be protected against the sale of colored poppy seeds unlabeled or improperly labeled it will require state law and state administration;' that 'if the interstate shipment is not a "palming off" of something inferior it is not in violation of the statute merely because it has a potentiality of deception;' and that it having been found that the seeds involved in the case were labeled and billed for what they actually were, the court should not treat them as contraband 'merely because of the possibility that they might be used subsequently to deceive.'

"We are unable to agree with the reasoning of the district court; and think that, the article having been found to be adulterated within the meaning of Sections 342 (b) (3) and 342 (b) (4), insofar as consumers are concerned, the seized seeds should have been condemned under the Federal Food, Drug and Cosmetic Act. To set up deception of jobbers as the criterion for the determination of the issue of condemnation was, in our judgment, clearly erroneous. The express language of the pertinent provisions of the Act of Congress is reasonably susceptible of no such narrow interpretation. The district court found as a fact that the inferiority of the food had been concealed; that an added substance had made it appear better or of greater value than it is insofar as the ultimate consumer was affected; and that an inexperienced person would fail to detect the difference between the natural Dutch blue or Turkish grey poppy seeds and the artificially colored British India white seeds, shipped in interstate commerce by the Arco Products Company.

"In construing the original Pure Food and Drugs Act of 1906, the Supreme Court pointed out that the statute rests upon the power of Congress to regulate interstate commerce; that no trade can be carried on between the states to which this power does not extend; that it is complete in itself, subject to no limitations except those found in the Federal Constitution; and that it must be remembered that the Act deals with illicit articles, which the law seeks to keep out of commerce and to punish, along with the shipper of them, because the articles are debased by adulteration. *Hipolite Egg Co. v. United States*, 220 U. S. 45, 57.

"In *Carolene Products Company v. United States of America*, . . . U. S. . . . , decided November 6, 1944, the Supreme Court said: 'When Congress exercises a delegated power such as that over interstate commerce, the methods which it employs to carry out its purposes are beyond attack without a clear and convincing showing that there is no rational basis for the legislation; that it is an arbitrary fiat.'

"The right both of a state and of Congress to go beyond the protection of the public by prohibition of false labeling or branding of goods to more adequate protection by the prohibition of a substituted food product has been held by the highest court to be within the legislative power. *United States v. Carolene Products Co.*, 304 U. S. 144, 151; *Hebe Co. v. Shaw*, 248 U. S. 297, 302, 303. Moreover, the Supreme Court has declared that the Food and Drugs Act was not intended to be confined to the requirement of truthful labeling of goods, but that the statute was intended to protect the public against adulteration of articles of food by the addition of substances deleterious to the health of consumers. *United States v. Coca Cola Co.*, 241 U. S. 265, 277, 278. Consult to same effect *Commonwealth of Pennsylvania v. Hettinger*, 152 Pa. Super. 242, 31 Atl. (2d) 599.

"In *Federal Securities Administrator v. Quaker Oats Co.*, 318 U. S. 218, 230, the Chief Justice leaves no doubt that, from its text and legislative history, the purpose of the present Federal Food, Drug and Cosmetic Act was not confined to a mere requirement of truthful and informative labeling, which had been found inadequate to protect the consumer from "economic adulteration," by which less expensive ingredients were substituted, or the proportion of more expensive ingredients diminished, so as to make the product, although not in itself deleterious, inferior to that which the consumer expected to receive when purchasing a product with the name under which it was sold.'

"Upon the principles of that case, 'economic adulteration' in contravention of the Act could not be avoided in the instant case by the limited effect which the district court gave to the express language of the Act. Here, the consumer would be unaware that less expensive ingredients had been substituted and that the article was inferior to that which he expected to receive when making his purchase. The fact that the substituted article was not deleterious is immaterial. From its inception, to its last amendment, the Pure Food and Drugs Act was not designed primarily for the protection of merchants and traders; but was intended to protect the consuming public.

"In *Carolene Products Company v. United States of America*, 140 F. (2d) 61, 65 (C. C. A. 4), Judge Dobie declared: 'Congress may with constitutional impunity bar from interstate commerce goods which may be the subject of a fraudulent sale, although the goods themselves may not be injurious.' On appeal of the case, this principle was upheld and the judgment was affirmed. *Carolene Products Company v. United States of America*, *supra*.

"It would seem clear beyond controversy that Congress has ample power to keep the channels of interstate commerce free from the transportation of illicit or harmful articles; and that the object of the Food and Drugs Act is to prevent the misuse of the facilities of interstate commerce in either conveying to or placing before the consumer misbranded or adulterated articles of medicine or food; and, by later amendment, cosmetics. *McDermott v. Wisconsin*, 228 U. S. 115, 128, 131.

"Whether dealers or traders in articles are deceived is not the material question. The appropriate inquiry is whether the ultimate purchaser will be misled. *Libby McNeil & Libby v. United States*, 210 Fed. 148 (C. C. A. 4). Compare *United States v. 7 Jugs, etc., of Dr. Salsbury's Rakos*, 53 F. Supp. 746, 752. As was said by the Supreme Court, in *United States v. Antikamnia Co.*, 231 U. S. 654, 665: 'The purpose of the act is to secure the purity of food and drugs and to inform purchasers of what they are buying. Its provisions are directed to that purpose and must be construed to effect it.' See also *United States v. Schider*, 246 U. S. 519, 522; *United States v. Research Laboratories*, 126 F. (2d) 42, 45 (C. C. A. 9).

"In *United States v. Dotterweich*, 320 U. S. 277, 280, the Supreme Court gave recent expression to the view that the act under consideration should be liberally construed, so as to effectuate its purpose: 'The Food and Drugs Act of 1906 was an exertion by Congress of its power to keep impure and adulterated food and drugs out of the channels of commerce. By the Act of 1938, Congress extended the range of its control over illicit and noxious articles and stiffened the penalties for disobedience. The purposes of this legislation thus touch phases of the lives and health of people which, in the circumstances of modern industrialism, are largely beyond self-protection. Regard for these purposes should infuse construction of the legislation if it is to be treated as a working instrument of government and not merely as a collection of English words. See *Hipolite Egg Co. v. United States*, 220 U. S. 45, 57, and *McDermott v. Wisconsin*, 228 U. S. 115, 128.'

"The erroneous conclusion reached by the district court seems to stem from confusion concerning the primary purpose of the Act, which, as has been demonstrated, is not protection of jobbers, dealers, or traders, but protection of the ultimate consumer. The court failed to apply correctly the principle that the true test is whether the article was adulterated when shipped and while in interstate commerce. Only six cases were cited in the opinion below: *United States v. 492 Cases, More or Less, of Orange Juice, Each Case Containing Two One-Gallon Jugs*, 20 F. Supp. 520, affirmed in *United States v. Nesbitt Fruit Products, Inc.*, 96 F. (2d) 972 (C. C. A. 5); *United States v. Lexington Mill Co.* 232 U. S. 399; *United States v. Great Atlantic and Pacific Tea Co.*, 92 F. (2d) 610 (C. C. A. 2); *Austin v. Tennessee*, 179 U. S. 343; *Sonnborn Bros. v. Cureton*, 262 U. S. 506; *Schechter Corp. v. United States*, 295 U. S. 495 (Syllabus 3, 4). We think the district court misapplied these authorities. The opinion states that 'it seems to this court that this case falls within the principle announced in *U. S. v. 492 Cases Orange Juice*, *supra*; *U. S. v. Nesbitt Fruit Products*, 96 F. (2d) 972; and in *U. S. v. Lexington Mill & Elevator Co.* 232 U. S. 399.'

"The first two citations refer to the same case, which might be called the 'orange juice' case, in which the action of a district court in dismissing a libel was affirmed. The opinion on appeal makes plain the factual differentiation from the case at bar. The Court of Appeals said [96 F. (2d) 973]: 'The retailer who buys these jugs of Nesbitt's product, which are shipped in interstate commerce, does not buy them as orange juice but as a mixture whose ingredients

are disclosed from which he may prepare a beverage. In practice the jug is placed upon the retailer's counter with the full label in plain view, and the dilution is made in the customer's presence.' But Judge Foster even dissented from the majority view that the consumer would not be deceived and said: 'I consider the label tends to deceive and mislead the ultimate purchaser and therefore the article is misbranded within the prohibition of the Food and Drugs Act.' In the orange juice case, there was no finding of fact that the ultimate consumer would be misled. In the instant case, the contrary is true. In the orange juice case, the adulteration occurred after the product was no longer in interstate commerce; in the instant case, the adulteration occurred before the goods were placed in interstate commerce and existed at the time of seizure.

"The other case which the district court considered controlling, *United States v. Lexington Mill Co.*, 232 U. S. 399, 409, expressly recognized that the primary purpose of Congress in enacting the Food and Drugs Act was to prevent injury to the public health by the sale and transportation in interstate commerce of misbranded and adulterated foods; and that 'if this purpose has been effected by plain and unambiguous language, and the act is within the power of Congress, the only duty of the courts is to give it effect according to its terms.' On the facts of the case, the bleaching of the flour in the manner employed was not deemed deceptive; while, in the instant case, the district court found that the inferiority of the article shipped in interstate commerce was concealed from the consumer, and the article was made to appear to him better or of greater value than it is.

"In our judgment, the other four citations in the opinion of the district court are irrelevant in the context.

"The Circuit Court of Appeals for the Second Circuit has held that the intended use to which adulterated food is to be put, after it has been shipped in interstate commerce, is immaterial on the issue of the government's right to forfeit the food because of the interstate commerce shipment. *United States v. 52 Drums Maple Syrup*, 110 F. (2d) 914. See also *Union Dairy Co. v. United States*, 250 Fed. 231, 233 (C. C. A. 7).

"As was declared in *United States v. Thirteen Crates of Frozen Eggs*, 215 Fed. 584, 585 (C. C. A. 2), the Food and Drugs Act could not be enforced if the government is compelled to establish a wrongful intent on the part of those who ship prohibited articles in interstate commerce. It is enough that the articles are prohibited; and all that is necessary to be shown to justify condemnation is that the adulterated article of food has been transported in interstate commerce.

"Appellee stresses *United States v. Ten Cases, More or Less, Bred Spread*, 49 F. (2d) 87 (C. C. A. 8). In that case, there was no showing of the inferiority of the food product sought to be condemned. Here, the poppy seeds shipped by the appellee were of less commercial or market value; were of smaller size; and were artificially colored so that, as found by the district court, 'a person inexperienced in such matters would fail to notice the difference between the Dutch blue or Turkish grey poppy seeds and the artificially colored British India white poppy seeds.' The Eighth Circuit decision, therefore, gainsays nothing which we have said in this opinion, and, moreover, adheres to the doctrine that the primary purpose of the Food and Drugs Act is to prevent injury to the public health by the transportation in interstate commerce of misbranded and adulterated foods.

"The judgment of the district court is reversed, with direction that a decree of condemnation be entered in conformity with the prayer of the libel in rem filed by the United States."

7186. Adulteration of salt. U. S. v. 30 Sacks of Salt. Default decree of condemnation and destruction. (F. D. C. No. 13967. Sample No. 85840-F.)

LIBEL FILED: October 19, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about September 5, 1944, from Hutchinson, Kans.

PRODUCT: 30 100-pound sacks of salt at Denver, Colo., in the possession of Farmers Equity Co-operative Creamery Association.

This product had been stored, after shipment, under insanitary conditions. Urine stains and rodent excreta pellets were observed on the bags. Examination showed that the article had become contaminated with urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: November 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7187. Adulteration of imitation lemon flavor. U. S. v. 24 Cases and 16 Cases of Imitation Lemon Flavor. Default decree of condemnation and destruction. (F. D. C. No. 13078. Sample No. 68504-F.)

LIBEL FILED: August 2, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 2, 1944, by Purex Products, Inc., Baltimore, Md.

PRODUCT: 24 cases, each containing 24 8-ounce bottles, and 16 cases, each containing 48 3-ounce bottles, of imitation lemon flavor, at Columbus, Ohio.

LABEL, IN PART: "Ken-Dawn Imitation Lemon Flavor * * * Distributed by C. D. Kenny Division Sprague Warner-Kenny Corporation, Baltimore, Maryland".

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a solution containing a trace of citral, having little or no value as a flavoring, had been substituted in whole or in part for "Imitation Lemon Flavor"; Section 402 (b) (3), inferiority had been concealed by mixing with water and color; and, Section 402 (b) (4), water had been added thereto so as to reduce its strength, and color had been added thereto so as to make it appear better or of greater value than it was.

DISPOSITION: September 14, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7188. Adulteration of imitation lemon flavor. U. S. v. 37 Cases and 15 Cases of Imitation Lemon Flavor. Default decree of condemnation and destruction. (F. D. C. No. 12097. Sample Nos. 60224-F, 60225-F.)

LIBEL FILED: March 28, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about July 13, 1943, by Whitehall Food Manufacturing Corp., from Jersey City, N. J.

PRODUCT: 37 cases, each containing 24 8-ounce bottles, and 15 cases, each containing 36 3-ounce bottles, of imitation lemon flavor at San Francisco, Calif.

LABEL, IN PART: (Bottles) "Maison Royal Imitation Lemon Flavor."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a solution containing a trace of citral, having little or no value as a flavoring, had been substituted in whole or in part for imitation lemon flavor; Section 402 (b) (3), inferiority had been concealed by mixing with water and color; and, Section 402 (b) (4), water had been added to the article so as to reduce its strength, and color had been added thereto so as to make it appear better or of greater value than it was.

DISPOSITION: August 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7189. Misbranding of vanilla extract. U. S. v. 10 Cases of Vanilla Extract. Decree of condemnation. Product ordered released under bond to be repackaged. (F. D. C. No. 12668. Sample No. 52629-F.)

LIBEL FILED: June 12, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 9, 1944, by Certified Extracts, Inc., from New York, N. Y.

PRODUCT: 10 cases, each containing 1 gross cartons of 1½-ounce bottles, of vanilla extract at Cambridge, Mass.

LABEL, IN PART: (Carton) "Sunny Rose Pure Extract * * * This extract is * * * guaranteed to comply with all state and national pure food laws"; (bottle) "Sunny Rose Pure Extract Vanilla Distributed By Commonwealth Grocery Company Boston, Mass."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement, "This extract * * * is guaranteed to comply with all state and national pure food laws," was false and misleading since the product did not comply with the Federal Food, Drug, and Cosmetic Act; and, Section 403 (d), its container was so made as to be misleading since the carton was too large for the bottle.

DISPOSITION: June 26, 1944. Certified Extracts, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be repacked under the supervision of the Food and Drug Administration.

7190. Adulteration and misbranding of Gumbo File (a food flavoring). U. S. v. 31 Cases of Gumbo File. Default decree of condemnation and destruction. (F. D. C. No. 12272. Sample No. 41460-F.)

LIBEL FILED: May 1, 1944, Western District of Louisiana.

ALLEGED SHIPMENT: On or about January 25, 1944, by Gold Medal Coffee Co., Houston, Tex.

PRODUCT: 31 cases, each containing 24 jars, of Gumbo File at Lake Charles, La. The article consisted of sassafras and thyme.

LABEL, IN PART: (Jars) "Victory Brand Genuine Gumbo File 1½ oz. Net Wt."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and insect excreta; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (a), the statement, "1½ oz. Net Wt.," on the label, was false and misleading as applied to the article, which was short-weight; Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: August 14, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7191. Misbranding of vanilla dessert powder. U. S. v. 516 Packages of Vanilla Dessert Powder. Default decree of condemnation and destruction. (F. D. C. No. 12871. Sample No. 52126-F.)

LIBEL FILED: July 5, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 3, 1944, by the 6 O'Clock Co., from Norristown, Pa.

PRODUCT: 516 3-ounce packages of vanilla dessert powder, at South Boston, Mass.

LABEL, IN PART: "Vanilla 6 O'Clock Dessert."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading since the dessert powder occupied less than half the volume of the box.

DISPOSITION: August 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by delivery of the product to a charitable institution.

7192. Misbranding of gift packages. U. S. v. 149 Gift Packages. Counterclaim praying for a declaratory judgment denied and exceptions to the libel overruled. Decree of condemnation and destruction. (F. D. C. No. 10095. Sample No. 11905-F.)

LIBEL FILED: June 14, 1943, Northern District of California; transferred to the Eastern District of New York on August 19, 1943.

ALLEGED SHIPMENT: On or about April 13, 1943, by R. L. Albert & Son, Inc., from New York, N. Y.

PRODUCT: 149 1-pound, 2-ounce gift packages at San Francisco, Calif. The package measured 7½ x 12½ x 1¾ inches and contained 15 fluted paper cups or cookies, candies, nuts, crackers, and a jar of peanut butter. The 3 cups containing cookies were well filled, but the candies and nuts were wrapped in cellophane which increased the bulk. Three cups containing crackers and 1 containing a small jar of peanut butter, which occupied a corner of the package, were covered by an inverted cardboard box and over that a cardboard checker board with a small sticker label reading "Crackers and Peanut Butter Underneath." The peanut butter was in a small ointment jar with thick walls, and did not fill the cup.

VIOLATION CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading in that more candy and nuts could have been packed in the individual paper cups, and because the crackers, which were cheaper than the remainder of the package, and the deceptive jar of peanut butter were concealed in a corner covered by an inverted box.

DISPOSITION: August 9, 1943. R. L. Albert & Son, Inc., claimant, instituted in the District Court for the Southern District of New York an action for a declaratory judgment, and filed a petition for an injunction pendente lite with respect to the libel proceedings in the Northern District of California. An

order to show cause was accordingly issued, and on August 11, 1943, argument was heard, after which decision was reserved. On August 19, 1943, the libel proceedings were transferred to the Eastern District of New York, and thereafter the claimant withdrew its motion for an injunction pendente lite and filed notice withdrawing its action for a declaratory judgment.

The claimant then filed an answer in the Eastern District of New York, denying the allegation of misbranding, and containing a counterclaim which attacked the constitutionality of Section 403 (d) of the Federal Food, Drug, and Cosmetic Act, and prayed for a declaratory judgment.

The matter having been argued on November 24, 1943, the court, on December 11, 1943, handed down the following memorandum opinion:

BYERS, *District Judge*: "Motion to strike counterclaim.

"In this cause the Government has libeled 149 Gift Packages of food stuffs, alleging them to be misbranded. They have been claimed by R. L. Albert & Son, Inc., in an answer which denies the alleged misbranding.

"The claimant does not in terms, except in the counterclaim, admit that it shipped the 149 Gift Packages in interstate commerce, although perhaps it meant to do so by inference, since so much of the libel is not denied. This does not meet the requirements of Admiralty Rule 26.

"The answer does deny misbranding within Title 21 U. S. C. (a), Section 343-d, which provides that a food shall be deemed to be misbranded '(d). If its container is so made, formed, or filled as to be misleading', which is charged in the libel.

"The answer contains a subdivision entitled 'Complete Defense and as a Counterclaim', which recites the claimant's corporate status and business; the enactment by Congress of the statute under which the libel is filed; the seizure of these packages in California and the consent to transfer the proceedings thereby initiated to this Court, and that the Federal Security Agency (charged with the enforcement of this law) has threatened similar proceedings elsewhere. That the statute is unconstitutional in that it deprives the claimant of its property without due process of law.

"It is alleged that, as the result of these matters, there is a controversy existing between the United States of America and the claimant, as to whether the enforcement of the Federal Food, Drug and Cosmetic Act does or does not unconstitutionally deprive the claimant of its property, and hence a declaratory judgment is sought to establish the unconstitutionality of the statute and the remedies thereunder.

"The libelant has moved to strike the counterclaim as being inappropriate to a proceeding which, as nearly as may be, is to conform to the procedure in Admiralty (Title 21 U. S. C. (A), Section 334-b).

"The theory of the statute is obviously that the seized articles of food have themselves violated the law, and this is an issue of fact. 'Upon demand of either party any issue of fact joined in any such case shall be tried by jury.' (Section 334-b).

"In view of that provision, it is difficult to see how the requirements of due process have been evaded. Manifestly the burden of proof lies upon the Government to sustain the material allegations of the libel, once issue is joined upon the merits.

"As to the availability of the declaratory judgment statute (Title 28 U. S. C. (A) Section 400) in a proceeding in Admiralty, there seems to be no decision which the Court has been able to find, nor have counsel cited any.

"The conventional method of testing the legal sufficiency of the articles in a libel is by filing exceptions thereto (Admiralty Rule 27); and that course has been found adequate by many years of experience.

"It is open to this claimant, and should be followed if it be advised that the Government is seeking to proceed herein according to methods not sanctioned by the constitution.

"While the counterclaim does not in terms ask for an injunction, if the declaration which it seeks were to be made, there would be in effect a decision upon the constitutionality of a federal statute, having the same force and effect as an injunction, and it might well be argued, I think, that Title 28 U. S. C. (A), Section 380-a, ought to be applicable to such a situation.

"It has not been shown to the satisfaction of this Court, that a multiplicity of suits involving the same issue is threatened, nor can it be said that the make-up or constituency of these particular packages is an issue of such important legal scope that the otherwise non-conforming pleading should be allowed to stand.

"Motion to strike the counterclaim is granted, without prejudice to the claimant's rights to challenge the libel by appropriate exceptions."

On February 2, 1944, the claimant filed exceptions to the libel, and thereafter made a motion for an order sustaining the exceptions and dismissing the libel. At the conclusion of the hearing on the matter, and after due deliberation, the court, on May 2, 1944, handed down the following memorandum opinion:

Moscowitz, *District Judge*: "Exceptions have been filed to the libel based upon two grounds: One, that the libel is insufficient, and the other, that Section 343 (d) of the U. S. Code is unconstitutional.

"Section 343 (d) reads as follows: 'A food shall be deemed to be misbranded * * * (d) If its container is so made, formed or filled as to be misleading.'

"As I understand claimant's position, it is claimed that this is not sufficiently descriptive and would not afford an opportunity to a seller, packer or shipper to determine what is a proper container. The criticism is that this subdivision (d) also involves a conclusion rather than specifying the grounds sufficiently and for that reason is unconstitutional and that the claimant is thereby deprived of his property without due process of law.

"It seems to me that this provision is specific and does not violate any constitutional rights of the claimant.

"As to the first ground, that the libel is insufficient, there has been produced to the Court for visual demonstration, Libelant's Exhibit 1, which is one of the packages in question, which is substantially similar to the other packages shipped by claimant. I think the libel upon its face is complete and sets forth a *prima facie* cause of action; an examination of the Exhibit 1 indicates that a purchaser might be misled. It might very well be that upon the trial some other demonstration can be made; that it may very well be, as claimed by the claimant, that it was necessary to ship it in that way. However, I am not passing upon that question; that is to be passed upon by the trial court.

"I will overrule exceptions to the libel."

On May 19, 1944, an order was issued denying the claimant's motion and overruling the claimant's exceptions to the libel. Thereafter the claimant withdrew its claim and answer, and on August 8, 1944, judgment of condemnation was entered and the product was ordered destroyed.

7193. Adulteration of gift packages. U. S. v. 20 Boxes and 31 Boxes of Gift Packages. Default decree of condemnation and destruction. (F. D. C. Nos. 12006, 12007. Sample Nos. 30373-F, 60520-F.)

LIBEL FILED: March 14, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about November 30, 1943, by Golden Brand Nut Products, Inc., from New York, N. Y.

PRODUCT: 51 3-pound gift packages at San Francisco, Calif.

The product was a confection-type pack consisting of assorted cookies, candies, and fruit pastes.

LABEL, IN PART: (Sticker on bottom of box) "Victory Snack-Pack No. 9253."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence in the fruit pastes of worm and insect fragments and rodent hairs.

DISPOSITION: June 9, 1944. No claimant having appeared, judgment of condemnation was entered and the article was ordered destroyed.

MISCELLANEOUS FOODS

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

7194. Adulteration and misbranding of candy. U. S. v. 59 Packages of Candy. Default decree of condemnation. Product ordered delivered to a local hospital. (F. D. C. No. 12911. Sample No. 60938-F.)

LIBEL FILED: July 12, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 12, 1944, by Joe Franklin Myers, from Dallas, Tex.

PRODUCT: 59 8-ounce packages of candy at New Orleans, La.

Examination showed that the product contained less than 50 U. S. P. units of vitamin A per pound.

LABEL, IN PART: (Packages) "Smile Sticks"; (leaflet) "These candies when made contained 800 or more U. S. P. units of Carotene (Vitamin A) * * * to each pound."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the statement in the leaflet, "These candies when made contained 800 or more U. S. P. units of Carotene (Vitamin A) * * * to each pound," was false and misleading as applied to the article since it did not contain the amount of vitamin A stated and implied; and the statement on the label "Ingredients * * * vitamin A," was misleading, since the article supplied less than 1 percent of the minimum adult daily requirements of vitamin A, in the entire 8-ounce package, an inconsequential amount; Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its vitamin A, vitamin B₁, riboflavin, vitamin C, and calcium and phosphorus content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamin A, vitamin B₁, riboflavin, and vitamin C, and the minerals calcium and phosphorus, furnished by a quantity of the product reasonably suitable for and practicable of consumption within a period of 1 day; and, Section 403 (e) (1), it was a food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: August 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local hospital.

7195. Adulteration and misbranding of orange drink. U. S. v. 194 Cases of Orange Drink. Default decree of condemnation and destruction.
(F. D. C. No. 13112. Sample No. 68474-F.)

LABEL FILED: August 1, 1944, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about July 20, 1944, by Jay-Lee Products Co., Cincinnati, Ohio.

PRODUCT: 194 cases, each containing 6 ½-gallon bottles, of orange drink at Newport, Ky.

LABEL, IN PART: (Bottles) "A Food Product Containing Fruit Juice * * * Juice Rich California Orange Drink * * * Rich in Vitamin B₁ 2700 Int. Units B₁ added Healthful For children and adults * * * Juice Rich Citrus Products Co. * * * Cincinnati, Ohio."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (2), the product contained monochloroacetic acid, which was unsafe within the meaning of the law in that it was an added poisonous and deleterious substance which was not required in the production of the article and could have been avoided by good manufacturing practice; Section 402 (b) (2), an artificially colored mixture of water, about 10-percent orange juice, added orange oil, and acid had been substituted for a drink rich in orange juice, which the article purported to be; Section 402 (b) (3), inferiority had been concealed by the addition of artificial color, orange oil, and acid; and, Section 402 (b) (4), artificial color, orange oil, and acid had been added to the article and mixed and packed with it, so as to make it appear to be a drink rich in California orange juice, which was better and of greater value than the article was.

Misbranding, Section 403 (a), the statements, "A Food Product Containing Fruit Juice * * * Juice Rich California Orange Drink * * * Healthful," and the design of oranges on the bottle label, were false and misleading as applied to the article, which was an artificially colored mixture of water, about 10-percent orange juice, added orange oil, and acid, and which contained practically no vitamin C, the one vitamin which would be expected by consumers to be present in substantial amounts in an orange juice product; and, Section 403 (j), it purported to be and was represented as a food for special dietary uses by reason of its vitamin B₁ content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement of vitamin B₁ supplied by a specified quantity of the product customarily or usually consumed during a period of 1 day.

DISPOSITION: August 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7196. Adulteration and misbranding of dicalcium phosphate with vitamins B-C-D. U. S. v. Walker Vitamin Products, Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 7321. Sample No. 70638-E.)

INFORMATION FILED: March 30, 1944, Southern District of New York, against the Walker Vitamin Products, Inc., Mt. Vernon, N. Y.

ALLEGED SHIPMENT: On or about January 12, 1942, from the State of New York into the State of Georgia.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, Vitamin D, had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the statement on the label of the article, "In Each Capsule * * * Vitamin D (Natural) 330 I. U.," was false and misleading since each capsule of the article contained not more than 165 International Units of vitamin D.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1207.

DISPOSITION: April 12, 1944. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

7197. Misbranding of dietetic macaroni. U. S. v. 12 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 12768. Sample No. 50297-F.)

LIBEL FILED: June 27, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 29 and April 21, 1944, by Buitoni Products, Inc., from New York, N. Y.

PRODUCT: 12 cases, each containing 24 4-ounce packages, of macaroni at Pittsburgh, Pa.

Analysis showed that the article consisted of wheat flour, soy flour, wheat germ, a milk product, added vitamin B₁, and iron, and contained substantially more carbohydrates than the 38.70 percent indicated in the labeling. The macaroni was wrapped in paper and placed in packages which were the same size as packages used to hold 8 ounces of macaroni. The macaroni occupied less than half the volume of the packages.

LABEL, IN PART: "Buitoni * * * 40% Protein Special Dietetic Macaroni."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "24—8 oz. Packages," which appeared on the cartons containing the packages, was false and misleading since the cartons contained 24 4-ounce packages; and the following statements which appeared on the packages containing the article were misleading: "Ingredients: Wheat Protein (Gluten), Soy Protein, Milk Protein, Wheat Germ, Vitamin B-1, Iron," since the article did not consist of the three proteins listed together with wheat germ, vitamin B₁, and iron, but contained other ingredients; "Approximate Analysis * * * Carbohydrates 38.70%," since the product contained substantially more carbohydrates; "In this exceptionally nutritious product Wheat and Soy Proteins have been enriched with the Protein of the Milk, thus obtaining a biologically complete equivalent to Meat Protein," since the article was not a mixture of proteins, did not provide the nutritional values of meat, and was not of particular importance by reason of the combination of proteins it contained because it is not necessary that any one food in the ordinary mixed diet provide a biologically complete protein; "Due to its very low carbohydrates content, this product is especially recommended in Starch and Sugar restricted diets," since it contained a substantial amount of carbohydrates; "Each 4 oz. of Buitoni Dietetic Macaroni provides approximately $\frac{2}{3}$ minimum daily requirement of Protein," since this declaration exaggerated the quantity of protein provided by the product (4 ounces of macaroni is not the amount that would be customarily or usually consumed in a period of 1 day by an average individual, and no definite "protein requirement" for man has been established); "Comparative Protein Analysis Buitoni Dietetic Macaroni 40% * * * Meat 14 to 18% * * * Bread 9 to 10% Potatoes 2 to 3%," since the protein content of the article was substantially reduced when prepared for eating by reason of added water, which is not the case with meat, bread, and potatoes.

Further misbranding, Section 403 (d), the container was so filled as to be misleading since the macaroni occupied less than half the volume of the package; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its vitamin B₁ and mineral content (including phosphorus, calcium, and potassium), and its label failed to bear,

as required by the regulations, a statement of the proportion of the minimum daily requirement of minerals (other than iron) supplied by the food, and the statements concerning vitamin B₁ and iron were not set forth in terms of the amount which is reasonably suitable for and practicable of consumption during a period of 1 day, 4 ounces being in excess of that amount.

DISPOSITION: September 29, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7198. Adulteration and misbranding of Vitasol. U. S. v. Vitasol Corporation. Plea of guilty. Fine of \$500 on count 1; sentence suspended on count 2, and defendant placed on probation for 2 years. (F. D. C. No. 7731. Sample No. 69503-E.)

INFORMATION FILED: April 3, 1943, Eastern District of New York, against the Vitasol Corporation, Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about July 15, 1941, from the State of New York into the State of Connecticut.

LABEL, IN PART: "Vitasol The 6-V Health Builder."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, vitamin A, vitamin B₁, phosphorus, and iron had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), certain statements regarding the vitamin and mineral content of the article, appearing on its label, were false and misleading, since they represented that the article contained approximately 1,000 U. S. P. Units Vitamin A per ounce, approximately 40,000 U. S. P. Units Vitamin A per 2½ pounds, approximately 150 International Units Vitamin B₁ per ounce, approximately 6,000 International Units Vitamin B₁ per 2½ pounds, approximately 0.0067 gram of iron per ounce, and 0.170 gram of phosphorus per ounce, whereas the article contained less than the approximate amounts of vitamins A and B₁, iron, and phosphorus represented; the statements on the label of the article, "Vitasol * * * Health Builder * * * Dedicated to the Betterment of Health * * * Vitamin A is vital to eyesight. Vitamins B₁, B₂ (G) stimulates the appetite, aids digestion. Vitamin C Favors good bone and tooth formation, prevents scurvy. The 'Sunshine Vitamin D' is important to general health, utilizes calcium and phosphorus in building strong teeth and bones. Organic Iron helps increase red corpuscle growth. Yeast as an aid to good blood and body functions. Dextrose for restoring energy. Soy Bean rich in protein (strength food). * * * Vitasol * * * health builder * * * quick revitalizing food for all active adults. Vitamins Vigor Vitality," were misleading since they suggested that the article would prevent scurvy, and that impaired health, poor eyesight, poor appetite and digestion, poor teeth and bones, general ill health, inadequate red corpuscle growth, poor functioning of the blood and body, low energy, weakness, poor health, and lack of vitality and vigor were frequently caused by lack of the vitamins and other substances named, and that the reader might reasonably expect that the article would be efficacious in the prevention of scurvy and in conditions of impaired health as above described, whereas the article would not prevent scurvy, and the conditions of impaired health as described are not frequently caused by lack of the vitamins and other substances named in the labeling, but usually result from other causes, and the reader might not reasonably expect the article to be efficacious to prevent scurvy or better such conditions of impaired health; and the statements, "Vitasol * * * prepared to provide a wide variety of protecting food elements (not available in the ordinary diet) essential to abundant vitality and health," borne on the article's label, were false and misleading since the article would not provide a wide variety of protecting food elements not available in the ordinary diet and which are essential to abundant vitality and health.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1208.

DISPOSITION: April 22, 1943. A plea of guilty having been entered on behalf of the defendant to the 2 counts of the information, the court imposed a fine of \$500 on count 1, and suspended sentence and placed the defendant on probation for 2 years on count 2.

7199. Misbranding of Al Williams Concentrated Foods. U. S. v. 35 Packages of Al Williams Concentrated Foods. Default decree of condemnation and destruction. (F. D. C. No. 12047. Sample No. 30080-F.)

LIBEL FILED: March 23, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about January 5, 1944, by Al Williams Health System, from Los Angeles, Calif.

PRODUCT: 35 packages of Al Williams Concentrated Foods at Seattle, Wash.

Examination of a sample of the article showed that it consisted of tablets containing considerable proportions of ground wheat and alfalfa, with smaller proportions of seaweed, parsley, lettuce, beet leaves, spinach, cayenne pepper, celery, carrots, yeast, and tomato.

LABEL, IN PART: "Al Williams Best Ever Concentrated Foods Food Plan #1."

VIOLATION CHARGED: Misbranding, Section 403 (a), certain statements on the bottle label and in an accompanying circular entitled, "Here's proof of results!", which represented and suggested that the article would take hunger away, would effect reduction in the weight of the consumer, would maintain or restore health, would be effective in blood-building, would remedy rheumatic conditions, would be a treatment for headaches, would give the user pep, would increase capacity for work, and would reduce blood pressure, were false and misleading since the article would not be efficacious for such purposes.

DISPOSITION: August 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7200. Adulteration and misbranding of vitamin B complex capsules. U. S. v. 27 Bottles of Vitamin B Complex Capsules. Default decree of condemnation and destruction. (F. D. C. No. 13108. Sample No. 54245-F.)

LIBEL FILED: August 4, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about April 6, 1944, by Royce Pharmacal Co., Los Angeles, Calif.

PRODUCT: 27 bottles, each containing 100 vitamin B complex capsules, at Phoenix, Ariz.

Examination of a sample showed that the article was 20-percent deficient in vitamin B₁ (thiamine), and 60-percent deficient in vitamin B₂ (riboflavin).

LABEL, IN PART: (Bottles) "Royce's Special Hi-Potency Vitamin B Complex * * * Each capsule Contains: Vitamin B₁ 667 U. S. P. Units; (Thiamin Hydrochloride 2.0 Mg.); Vitamin B₂ 2000 Micrograms; (Riboflavin 2.0 Mg.)."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁ (thiamine) and vitamin B₂ (riboflavin), had been in part omitted from the article.

Misbranding, Section 403 (a), the statement, "Each Capsule Contains: Vitamin B₁ 667 U. S. P. Units; (Thiamin Hydrochloride 2.0 Mg.); Vitamin B₂ 2000 Micrograms; (Riboflavin 2.0 Mg.)." was false and misleading as applied to the article, which contained less than these amounts of vitamin B₁ and B₂; and, Section 403 (f), the information concerning its vitamin properties required to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since it appeared at right angles to the main display panel.

DISPOSITION: September 26, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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Candy	7053-7057, 7192-7194	Peas, blackeyed	7156
Cereals and cereal products	7003-7052,	green, canned	7147-7150
	7174, 7192, 7193, 7197	frozen	7161
Cheese	7098-7104	Pecan meats	7169
grated	7101, 7102	Pie crust mix	7052
Cherries, frozen	7136	Popcorn	7048-7050
Chickens. <i>See</i> Poultry.		Poppy seed	¹ 7185
Chili peppers	7157	Poultry	7165-7168
Cinnamon, ground	7182	Preserves	7141, 7144
powdered	7183	Prune juice concentrate	² 7142
Cocoa	7058	Raisins	7120, 7121
beans	7059	Rice	7051
substitute	7060	Rye flour	7023, 7032
Coffee	7001	Salt	7186
Corn flakes	7047	Sauerkraut, canned	7151, 7152
flour	7038, 7039	Shrimp, frozen	7116, 7117
and soy flour, mixed	7040	Sirup, cane	7065
meal	7008, 7044-7046	and maple	7066
Cream of maize. <i>See</i> Corn meal:		imitation maple	7067
Dairy products	7069-7104	Soy flour	7041
Dates	7119	and corn flour, mixed	7040
Dessert powder, vanilla	7191	Spices, flavors, and seasoning materials	¹ 7182-7190
Dicalcium phosphbate with vitamins B-C-D	7196	Strawberries	7137
Eggs, dried	7105	Sugar	7061-7064
frozen	7106-7111	Tomatoes and tomato products	¹ 7162-7164
shell	7112	canned	7162
Feeds and grains	7113, 7114	catsup	¹ 7163
Fig paste	7139, 7140	dill pickles	7164
preserves	7141	Turkeys	7168
Fish and shellfish	¹ 7115, 7117	<i>See also.</i> Poultry.	
Flavors, lemon, imitation	7187, 7188	Turnip greens, canned	7146
Flour	7006-7044	Vanilla dessert powder	7191
Fruitades, imitation	7002	extract	7189
Fruits and vegetables	¹ ² 7118-7164	Vegetables. <i>See</i> Fruits and vegetables.	
fruit, dried	7118-7121	Voltex (frozen egg mixture)	7111
fresh	7122-7135	Walnuts	7177
frozen	7136, 7137	Wheat	7114
miscellaneous products	² 7138-7144	Whiting, frozen	¹ 7115
tomatoes and tomato products	¹ 7162-7164, 7195	Whole wheat flour	7025, 7026
vegetables	7145-7161	Williams, Al, Concentrated Foods	7199
canned	7145-7152	Vitamin B complex capsules	7200
dried	7153-7157	Vitamin preparations and foods for special	
frozen	7158-7161	dietary uses	7194-7200
		Vitasol	7198

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Agash Refining Corp.:		Allen, A. P.:	
peanut oil	7181	blueberries	7127
Albert, R. L., & Son, Inc.:		Alma Creamery Co.:	
gift packages	¹ 7192	butter	7069
Alleghany Milling Co., Inc.:		Almonette Candy Co.:	
flour and white corn meal	7008	candy	7055
		American Dairies, Inc.:	
		butter	7078
		Anderson Creamery Co.:	
		butter	7080

¹ (7115, 7163, 7185, 7192) Contested seizure. Contains opinions of the courts.

² (7142) Contested prosecution. Contains opinion of the court.

	N. J. No.		N. J. No.
Andrus, E. B., Grocery Co.: corn meal.....	7044	Decatur Milling Co.: corn flakes.....	7047
Archer-Daniels-Midland Co.: soy flour.....	7041	cream of maize.....	7046
Arco Products Co.: poppy seed.....	7185	Deer Creek Creamery: butter.....	7070
Arent, Irving: apples.....	7123	Dobry Flour Mills, Inc.: flour.....	7019
Arkansas City Flour Mills: flour.....	7043	Domestic Oil Co. <i>See</i> Salvatore, Francese; Palmiere, Rocco; Saviano, Frank.	
Arkansas Valley Coop. Dairy Assn.: butter.....	7081	Drew, C. H.: blueberries.....	7130
Armour Creameries: butter.....	7077, 7079	Dry Fork Wholesale Grocery Co.: pinto beans.....	7155
Atchley, Wm.: honey.....	7068	Dulany, J. H., & Son.: frozen shrimp.....	7116
Bauer Poultry Co.: chickens and turkeys.....	7168	Eagle Flour Mills: flour.....	7020
Bay State Milling Co.: flour.....	7016	Eagle Roller Mill Co.: flour.....	7021
Beatrice Creamery Co.: butter.....	7082	Elias, José A., & Hermano: cheese.....	7104
Benson Produce Co.: butter.....	7083	Euclid Candy Co. of N. Y., Inc.: candy.....	7053
Blair Milling Co.: flour.....	7013	Evans, E. J.: blueberries.....	7131
Bond Pickle Co.: dill tomato pickles.....	7164	Falls City Creamery Co.: butter.....	7085
Bonner Packing Co.: fig paste.....	7139	Family Kitchen Manufacturing Co.: pie crust mix.....	7052
Buhler Mill & Elevator Co.: flour.....	7017	Farmers Cotton and Peanut Co.: peanuts.....	7173
Buitoni Products, Inc.: dietetic macaroni.....	7197	Farmers Equity Co-operative Creamery Assn.: salt.....	7186
California Preserving Co.: apple butter.....	7138	Farmers Peanut Co., Inc.: peanuts.....	7171
California Walnut Growers Assn.: walnuts in shell.....	7177	Featherweight Foods, Inc.: frozen whole eggs.....	7108
Camp, Wm. A., Co., Inc.: raisins.....	7121	Fort Worth Poultry & Egg Co.: butter.....	7077
Canonico, Ralph: blueberries.....	7128	Francese, Salvatore: oil.....	7179
Cape County Milling Co.: flour.....	7042	Frazier, M. B., & Son. <i>See</i> Frazier, M. B.	
Certified Extracts, Inc.: vanilla extract.....	7189	Frazier, M. B.: peanuts and peanut butter sandwiches.....	7174
Chandu Coffee Co. <i>See</i> Plumer, Henry.		Fredonia Canned Foods, Inc.: canned peas.....	7148
Charleston Food Products Co.: flour.....	7009	French-Bauer, Inc.: butter.....	7071
Cheaney, Arnold: blueberries.....	7129	General Spice Co.: powdered cinnamon.....	7183
Cherokee Products Co.: peanut butter.....	7175	Genesee Valley Frozen Food: frozen asparagus.....	7158
Chinese Lantern Restaurant Corp.: rice.....	7051	Glick, Louis: candy.....	7053
City Wholesale Co.: flour.....	7010	Godfrey and Candler: flour.....	7013
Claffin Flour Mills: flour.....	7018	Gold Medal Coffee Co.: Gumbo File (a food flavoring).....	7190
Clapp, Harold H., Inc.: canned peas.....	7147	Golden Brand Nut Products, Inc.: gift packages.....	7193
Columbus Milling Co.: corn meal.....	7045	Goldsmith Pickle Co.: sauerkraut.....	7151
Commercial Warehouse Co.: cocoa beans.....	7059	Great Atlantic & Pacific Tea Co.: butter.....	7072, 7082
Commonwealth Grocery Co.: vanilla extract.....	7189	Gulley Grocery Co.: red kidney beans.....	7154
Cook Oil Corp. <i>See</i> Agash Refining Corp.		Hamilton & Co.: blackeyed peas.....	7156
Cooperative G. L. F. Farm Products, Inc.: red kidney beans.....	7154	Harding Cream Co.: cream.....	7087
Creameries, Inc.: butter.....	7081	Harding Cream Division of Sugar Creek Creamery Co. <i>See</i> Sugar Creek Creamery Co., Harding Cream Division.	
Crete Mills: corn flour.....	7038	Havana Packing Co.: pecan meats.....	7169
Crofton Cooperative Creamery: butter.....	7084	Haug & Co., Inc.: dried whole eggs.....	7105
Crown Products: preserves.....	7144	Heyd, C. G., & Co.: butter.....	7080, 7085, 7088
Cudahy Packing Co.: butter.....	7086	Heiman, Arthur: candy.....	7054
Dad's Quality Syrup Co.: sirup.....	7065, 7066	Holmes, Mrs. L. M.: blueberries.....	7132
Daisey Brothers Poultry Co.: poultry.....	7167	Home Town Stores, Inc.: flour.....	7012
Dearborn Wholesale Grocers: fig preserves.....	7141	Huter Quest & Co.: peanuts.....	7172

¹ Contested seizure. Contains opinion of the courts.

	N. J. No.		N. J. No.
Independent Creamery Co.: butter.....	7081	Myers, J. F.: candy.....	7194
Interstate Milling Co.: flour.....	7006	National Candy Co., Inc.: candy.....	7057
Isaly's Creamery Products, Inc.: butter.....	7089	Nebraska Consolidated Mills Co.: flour.....	7030
Jay-Lee Products Co.: orange drink.....	7195	Nelson-Ricks Creamery Co.: eggs.....	7112
Joseph, Anthony: prune juice concentrate.....	2 7142	Newark Sea Food Co.: frozen shrimp.....	7117
Juce Rich Citrus Products Co.: orange drink.....	7195	North Dakota Mill & Elevator: flour.....	7031
Junor, Percy, Ltd.: ginger root.....	7184	North East Dairy Co.: butter.....	7093
Kelly, William, Milling Co.: flour.....	7025	Nugent, E. J., & Sons: frozen cherries.....	7136
Kenny, C. D., Division, Sprague Warner- Kenny Corp. See Sprague Warner- Kenny Corp., C. D. Kenny Division.		Olean Ice Cream Co.: grated Romano cheese.....	7101
Keystone Products Co.: popcorn.....	7050	Ovson Egg Co.: frozen whole eggs.....	7106
King Midas Flour Mills: flour.....	7026	Palmer Candy Co.: shelled peanuts.....	7170
Krause, Chas. A., Milling Co.: flour.....	7027	Palmiere, Rocco: oil.....	7179
Kroger Grocery & Baking Co.: flour.....	7143	Pantry Products Co.: imitation jam.....	7143
Kruse's, Inc.: frozen strawberries.....	7137	Pauly & Pauly Cheese Co.: cheese.....	7098
Lagrange Mills: flour.....	7028	Pavilion Creamery Co.: butter.....	7094
Land O'Lakes Creameries, Inc.: butter.....	7090	Pillsbury Flour Mills Co.: flour.....	7032, 7033
Landsberger Creamery & Produce Co.: butter.....	7091	Plymouth Canning Co.: canned peas.....	7150
Langenfeldt Dairy Store: butter.....	7092	Plumer, Henry: oil.....	7178
Larabee Flour Mills Co.: flour.....	7029	Pond Village Cold Storage Co.: frozen whiting.....	1 7115
LaSalle Mfg. Co.: ground cinnamon.....	7182	Porbeck, George F., Co.: canned mustard greens.....	7145
Lesseg, W. A.: apples.....	7122	Prince Macaroni Manufacturing: soy flour.....	7041
Libby, McNeill & Libby: sugar.....	7064	Purex Products, Inc.: imitation lemon flavor.....	7187
Linwood Poultry Co.: frozen whole eggs.....	7107	Quaker City Co-operative Creamery Co.: butter.....	7095
Lion Packing Co.: raisins.....	7120, 7121	Raisin Syrup Co. See Joseph, Anthony.	
Litchfield Produce Co.: poultry.....	7165	Relco Bakers Specialty Co., Inc.: nut crunch.....	7056
Livingston, M., & Co.: dried beans.....	7153	Robinson, J. B., Co.: cocoa substitute.....	7060
Lueido Brothers Grocery Co.: canned peas.....	7149	Rocky Mountain Cheese Co.: Romano cheese.....	7100
Malone & Hyde, Inc.: sugar.....	7062	Roeding Fig & Olive Co.: fig paste.....	7140
Maloney Trucking & Storage, Inc.: flour.....	7011	Rogers Creamery Co.: butter.....	7076
Manning Warehouse: sugar.....	7061	Rosenberg, Morris, Co.: popcorn.....	7049
Marr, H. A., Grocery Co.: coffee.....	7001	Royale Popcorn Co.: cocoa.....	7058
Mayfair Food Products Co.: sauerkraut.....	7152	poppy seed.....	1 7185
Mead Johnson Terminal Corp.: sugar.....	7063	Royce Pharmacal Co.: vitamin B complex capsules.....	7200
Menzer, William, Inc.: butter.....	7084	Ryser, Frank, Co.: grated cheese.....	7102
Midwest Popcorn Co.: popcorn.....	7048	Sacramento Frosted Foods, Inc.: frozen broccoli.....	7160
Mignon Chocolate Co., Inc.: candy.....	7057	Safeway Stores, Inc.: bread.....	7003
Moffett, S. A., Co.: frozen green peas.....	7161	Saladago, Paul: blueberries.....	7133
Monticello Products Co.: Gra-Pac and Blackberry Bernae.....	7002	Saler's Dairy Stores: butter.....	7092
Monmouth Products Co.: frozen green beans.....	7159	Saunders Mills, Inc.: alfalfa meal.....	7113
frozen green peas.....	7161	Saviano, Frank: oil.....	7179
Musolino Lo Conte Co.: cheese.....	7099	Scappatura, Frank: olive oil.....	7180
		Schlosser Bros.: butter.....	7072
		Schwebel Baking Co.: bread.....	7004
		Sherman Produce Co.: apples.....	7123
		Short, J. E., Milling Co.: corn flour and soy flour, mixed.....	7040

¹ (7115, 7163, 7185, 7192) Contested seizure. Contains opinions of the courts

² (7142) Contested prosecution. Contains opinion of the court.

	N. J. No.		N. J. No.
6 O'Clock Co.: vanilla dessert powder.....	7191	Valley Evaporating Co.: apple chops.....	7118
Southern Flour Mills, Inc.: flour.....	7007	Veblen Home Creamery: butter.....	7080
Southgate Foods: peanut butter.....	7176	Vitasol Corp.: Vitasol.....	7198
Southland Products Co.: frozen green beans.....	7159	Walker Vitamin Products, Inc.: dicalcium phosphate with vitamins B-C-D.....	7196
Sprague Warner-Kenny Corp., C. D. Kenny Division: imitation lemon flavor.....	7187	Wampler Canning Co.: canned tomatoes.....	7162
Spring Valley Butter Co.: butter.....	7073	Webster, Lee: apples.....	7124
Standard Brands, Inc.: Voltex (frozen egg mixture), frozen whole eggs, and frozen egg whites.....	7111	Webster, Marion: apples.....	7125
Standard Milling Co.: flour.....	7034	Webster, Noah: apples.....	7126
Storck Baking Co.: bakery products.....	7005	West Coast Growers and Packers: fig paste.....	7140
Sugar Creek Creamery Co.: butter.....	7074	Western Grain Co.: corn flour.....	7039
Sugar Creek Creamery Co., Harding Cream Division: butter.....	7086	Whitehall Food Manufacturing Co.: imitation maple sirup.....	7067
Sully County Cooperative Assn.: wheat.....	7114	Whitehall Food Manufacturing Corp.: imitation lemon flavor.....	7188
Sunette Cheese Corp.: cheese.....	7104	Williams, Al, Health System: Al Williams Concentrated Foods.....	7199
Sunshine Packing Corp.: blueberries.....	7134	Wilson, Charles T., Co., Inc.: chili peppers.....	7157
Swift & Co.: butter.....	7075, 7097	Wilson & Co., Inc.: cheese.....	7103
cheese.....	7098	Wilson Canning Co.: canned turnip greens.....	7146
poultry.....	7166	Wilson-Co.: butter.....	7074
Thomas Co.: Gra-Pac and Blackberry Bernae.....	7002	Wilson Poultry and Egg Co.: frozen whole eggs.....	7109
Todd-Woolbright Co.: flour.....	7015	Winston & Newell Co.: flour.....	7014
Tufts, Priseilla: blueberries.....	7135	Wolf Milling Co.: flour.....	7036
United Date Growers of California: dates.....	7119	Yukon Mill & Grain Co.: flour.....	7037
Valier & Spies Milling Co.: flour.....	7035	Zenith-Godley Co.: butter.....	7096
		Zuercher, C. E., & Co.: cheese.....	7099



FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

7201-7350

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., May 28, 1945.

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BEVERAGES AND BEVERAGE MATERIALS

7201. Adulteration and misbranding of beverage sirups. U. S. v. 111 Cartons of Raspberry Flavored Sirup, 75 Cartons of Fruit Punch Flavored Sirup, 24 Cartons of Strawberry Flavored Sirup, and 9 Cartons of Pineapple Flavored Sirup. Default decree of condemnation. Products ordered delivered to charitable institutions. (F. D. C. No. 13795. Sample Nos. 88104-F, 88105-F, 88109-F, 88110-F.)

LIBEL FILED: September 18, 1944, District of Maine.

ALLEGED SHIPMENT: On or about August 14, 1944, by Gordon-Thaler, Inc., from Brooklyn, N. Y.

PRODUCT: 111 cartons, each containing 24 1-pint bottles, of raspberry-flavored sirup; 75 cartons, each containing 24 1-pint bottles, of fruit punch-flavored sirup; 24 cartons, each containing 24 1-pint bottles, of strawberry-flavored sirup; and 9 cartons, each containing 24 1-pint bottles, of pineapple-flavored sirup, at Portland, Maine.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, fruit flavor, had been in whole or in part omitted from the articles; and, Section 402 (b) (2), artificially-flavored and -colored acidulated sugar solutions, containing an insignificant amount of fruit flavor, had been substituted in whole or in part for raspberry-, fruit punch-, strawberry-, and pineapple-flavored sirups.

Misbranding, Section 403 (a), the names on the labels, "Raspberry Flavored Syrup," "Fruit Punch Flavored Syrup," "Strawberry Flavored Syrup," and

"Pineapple Flavored Syrup," were misleading; and, Section 403 (c), the articles were imitations of other foods and their labels failed to bear, in type of uniform size and prominence, the word "imitation," and, immediately thereafter, the names of the foods imitated.

DISPOSITION: October 31, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to charitable institutions.

7202. Adulteration and misbranding of beverage sirups. U. S. v. 74 $\frac{1}{4}$ Cases of Chocolate Dairy Mix, 33 $\frac{15}{24}$ Cases of Maple Flavor Sirup Imitation, 9 $\frac{1}{4}$ Cases of Crystal Clear Sirup; 7 $\frac{9}{12}$ Cases of Strawberry Flavored Dairy Mix, 18 $\frac{18}{24}$ Cases of Coffee Dairy Mix, and 125 $\frac{5}{12}$ Cases of Simple Sirup. Default decree of condemnation and destruction. (F. D. C. No. 14421. Sample Nos. 88214-F to 88216-F, incl., 88218-F, 88221-F to 88223-F, incl., 88225-F.)

LABEL FILED: On or about November 15, 1944, District of New Hampshire.

ALLEGED SHIPMENT: Between the approximate dates of December 23, 1943, and April 29, 1944, by Old Chateau Products, Carlisle, Mass., from Boston, Mass.

PRODUCT: Fountain sirups; 269 $\frac{1}{8}$ cases containing a number of bottles and jars ranging in size from 1 pint to 1 gallon, at Laconia, N. H.

LABEL, IN PART: "Old Chateau * * * Non-settling Chocolate Dairy Mix Cream Line [or "Maple Flavor Syrup Imitation," "Crystal Clear Syrup," "Strawberry Flavored Dairy Mix," "Coffee Dairy Mix," or "Simple Syrup"]."

VIOLATIONS CHARGED: Adulteration, Section 402(a) (3), (maple flavor sirup imitation, Crystal Clear Syrup, Strawberry Flavored Dairy Mix, and Coffee Dairy Mix) the products consisted in whole or in part of decomposed substances, since they were in an active state of fermentation. Simple sirup, Section 402(b) (2), a sugar solution containing more than 35 percent of water had been substituted for "simple sirup." Chocolate Dairy Mix, Section 402(b) (4), artificial flavoring and artificial coloring had been added to the product and mixed and packed with it so as to make it appear to be better or of greater value than it was.

Misbranding (Chocolate Dairy Mix), Section 403(a), the label designation, "Chocolate Dairy Mix," was false and misleading as applied to a product containing no chocolate; Section 403(i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient, since it contained water which was not declared; Section 403(k), it contained artificial flavoring and it did not bear labeling stating that fact; and, Section 403(e) (2), (quart size only) it was food in package form and it failed to bear a label containing an accurate statement of the quantity of the contents, since the jars contained less than "1 Quart," the volume declared. Simple sirup, Section 403(a), the label designation, "Simple Syrup," was false and misleading as applied to a sugar solution containing more than 35 percent of water; Section 403(e) (2), the article was food in package form and it failed to bear a label containing an accurate statement of the quantity of contents, since the jars contained less than "1 Qt. Liquid," the volume declared; and, Section 403(i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

DISPOSITION: December 20, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

7203. Adulteration of coffee. U. S. v. 13 Cartons of Coffee. Default decree of condemnation and destruction. (F. D. C. No. 13455. Sample No. 75571-F.)

LABEL FILED: August 31, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 20, 1944, by the Wm. S. Scull Co., Camden, N. J.

PRODUCT: 13 cartons, each containing 12 1-pound bags, of coffee, at Youngstown, Ohio.

LABEL, IN PART: "Boscul Coffee."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its contamination with petroleum oil.

DISPOSITION: September 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7204. Misbranding of Effect-O (beverage stabilizer). U. S. v. 6 Bottles and 3 Cases of Effect-O. Default decrees of condemnation and destruction. (F. D. C. Nos. 13828, 14333. Sample Nos. 63916-F, 63927-F.)

LIBELS FILED: September 27 and October 31, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about June 26 and August 20, 1944, by the Chandler Laboratories, from Philadelphia, Pa.

PRODUCT: 6 bottles and 3 cases, each containing 4 bottles, of Effect-O, at Jacksonville, Fla.

LABEL, IN PART: (Bottles) "Effect-O Contents One Gallon * * * Ingredients: Acetic Derivatives, Food Acids and esters and ethers of Monochloracetic acid."

VIOLATION CHARGED: Misbranding, Section 403 (a), the labeling was misleading in the particular that the statements, "The Perfect Stabilizer For All Beverages Eliminates the use of Preservatives Use ½ Oz. to Each Gallon of Bottling Syrup," created the impression that the article was wholesome and suitable for use as a component of all beverages used by man, whereas the labeling failed to reveal the material fact, in the light of such representations, that monochloracetic acid is a poisonous and deleterious substance, causing the article itself to be a poisonous and deleterious substance, and rendering it unwholesome and unsuitable for use as a component of beverages used by man.

DISPOSITION: December 12, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

7205. Adulteration of canned orange juice. U. S. v. 203 Cases of Canned Orange Juice. Default decree of condemnation and destruction. (F. D. C. No. 13769. Sample No. 88201-F.)

LIBEL FILED: September 8, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 13 and July 10, 1944, by the Desoto Canning Co., from Arcadia, Fla.

PRODUCT: 203 cases, each containing 24 1-pint, 2 fluid ounce cans, of orange juice at Springfield, Mass.

LABEL, IN PART: (Cans) "Moonkist Unsweetened Orange Juice."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots, insect eggs, and decomposed fruit material; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7206. Adulteration of vermouth. U. S. v. 14 Cases of Vermouth. Default decree of condemnation and destruction. (F. D. C. No. 13193. Sample No. 26699-F.)

LIBEL FILED: August 8, 1944, District of Nevada.

ALLEGED SHIPMENT: On or about May 26, 1944, by W. J. Mulligan and Co., from San Francisco, Calif.

PRODUCT: 14 cases, each containing 12 1-quart bottles, of vermouth, at Reno, Nev.

LABEL, IN PART: "Argentine Vermouth Globo."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the article contained an added deleterious substance, splinters of glass, which may have rendered it injurious to health.

DISPOSITION: August 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that was contaminated with mold and, in one case, insect fragments and cat hair fragments, Nos. 7207 to 7219; below the legal standard for milk fat content, Nos. 7220 to 7241; and short weight, Nos. 7239 to 7241.

7207. Adulteration of butter. U. S. v. 14¾ Cartons of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13860. Sample No. 86410-F.)

LIBEL FILED: August 25, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 7, 1944, by the Emma Creamery Co., from Emma, Mo.

PRODUCT: 14¾ cartons, each containing 32 1-pound prints, of butter, at Chicago, Ill.

Analysis showed that the product contained insect fragments, cat hair fragments, and mold.

LABEL, IN PART: "Spring Brook Brand Creamery Butter Armour Creameries Distributors * * * Chicago."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: October 5, 1944. Armour & Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into refined butter oil, under the supervision of the Food and Drug Administration.

7208. Adulteration of butter. U. S. v. 43,240¼ Pounds of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14566. Sample No. 92919-F.)

LIBEL FILED: October 23, 1944, District of Maryland.

ALLEGED SHIPMENT: On or about October 11, 1944, by the Kraft Cheese Co., from New York, N. Y.

PRODUCT: 43,240¼ pounds of butter at Baltimore, Md.

Analysis showed that the product contained mold.

LABEL, IN PART: (Portions) "Schlosser's Oak Grove * * * Butter Distributed by Schlosser Brothers, Inc. * * * Frankfort, Indiana," "Madison County Blue Grass Brand Special Quality Butter The London Creamery Co. London, Ohio," or "Bulk Butter * * * Dist. by Swift & Co. * * * Chicago, Ill."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: October 25, 1944. Isaac Adleberg, trading as the Hanover Food Products Co., Baltimore, Md., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. The portion containing visible mold was cut away and disposed of as inedible grease.

7209. Adulteration of butter. U. S. v. 9 Cases of Butter. Default decree of condemnation. Product ordered sold to a rendering plant, to be used in the war effort. (F. D. C. No. 14585. Sample No. 61792-F.)

LIBEL FILED: August 21, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about August 3, 1944, by the Jerpe Dairy Products Corporation, from Fayetteville, Ark.

PRODUCT: 9 cases, each containing 32 1-pound prints, of butter, at New Orleans, La.

Examination showed that the product contained mold.

LABEL, IN PART: "Clear Brook Creamery Butter Distributed by Wilson & Co. * * * Chicago, Illinois."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed animal substance.

DISPOSITION: September 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to a rendering plant, to be used in the war effort.

7210. Adulteration of butter. U. S. v. 13 Cubes (819 pounds) of Butter. Default decree of condemnation. Product ordered delivered to a rendering plant, for fat salvage. (F. D. C. No. 13161. Sample No. 81202-F.)

LIBEL FILED: On or about July 11, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 20, 1944, by the Shawnee County Creamery, from Topeka, Kans.

PRODUCT: 13 63-pound cubes of butter, at Kansas City, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a moldy substance.

DISPOSITION: August 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a rendering plant, for fat salvage.

7211. Adulteration of butter. U. S. v. 16 Cartons (480 pounds) of Butter. Default decree of condemnation. Product ordered disposed of as salvage fat. (F. D. C. No. 13164. Sample Nos. 82302-F, 82303-F.)

LIBEL FILED: July 5, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about June 19, 1944, by the Ideal Pure Milk Co., Evansville, Ind.

PRODUCT: 16 cartons, each containing approximately 30 pounds, of butter, at New York, N. Y.

Examination of samples showed that the product contained mold.

LABEL, IN PART: (Cartons) "Butter Distributed By F. F. Lowenfels & Son * * * New York."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance.

DISPOSITION: August 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of for non-food salvage fat, to be used in the war effort.

7212. Adulteration of butter. U. S. v. 3 Cases of Butter. Default decree of condemnation. Product ordered sold and denatured for use as an inedible fat. (F. D. C. No. 14582. Sample No. 90383-F.)

LIBEL FILED: On or about August 24, 1944, Southern District of Illinois.

ALLEGED SHIPMENT: On or about August 15, 1944, by the Aro Creamery Co., from St. Louis, Mo.

PRODUCT: 3 cases, each containing 30 pounds, of butter at Alton, Ill.

Analysis of a sample showed that the product contained mold.

LABEL, IN PART: (Carton) "Luer's Creamery Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: September 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder, to be denatured for use as an inedible fat.

7213. Adulteration of butter. U. S. v. 133 Cases of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13150. Sample No. 68031-F.)

LIBEL FILED: On or about June 16, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 9, 1944, by Schlosser Bros., Inc., Indianapolis, Ind.

PRODUCT: 133 20-pound cases of butter, at Columbus, Ohio.

Examination of samples disclosed that this product contained mold.

LABEL, IN PART: "Silverbrook Creamery Butter * * * The Great Atlantic-Pacific Tea Co., New York, N. Y. Packers."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: June 27, 1944. Schlosser Bros., Inc., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was converted into refined butter oil.

7214. Adulteration of butter. U. S. v. 136½ Pounds of Butter. Default decree of condemnation and destruction. (F. D. C. No. 14350. Sample No. 59389-F.)

LIBEL FILED: July 27, 1944, Northern District of Indiana.

ALLEGED SHIPMENT: On or about July 7, 1944, by the S. S. Borden Co., from Chicago, Ill.

PRODUCT: 136½ pounds of butter, at Gary, Ind.

This product contained mold.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: September 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was later ordered delivered to a fat salvage committee, for use in the war effort.

7215. Adulteration of butter. U. S. v. 6 Cartons (186 pounds) and 10 Cases of Butter. Default decrees of condemnation. One lot ordered sold and denatured; remaining lot ordered delivered to a packing company for salvaging the fat. (F. D. C. Nos. 13136, 13158. Sample Nos. 61231-F, 75617-F.)

LIBEL FILED: On June 22 and July 8, 1944, Middle District of Alabama and Western District of Pennsylvania.

ALLEGED SHIPMENT: From on or about June 12 to 22, 1944, by the Cudahy Packing Co., from Nashville, Tenn., and Chicago, Ill.

PRODUCT: Butter: 6 cartons, each containing 31 1-pound prints, at Braddock, Pa.; and 10 cases, each containing 32 1-pound prints, at Montgomery, Ala. Examination of samples showed that the product contained mold.

LABEL, IN PART: "Daisy Maid Brand Creamery Butter," or "Cudahy's Sunlight Creamery Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: August 8 and 21, 1944. No claimant having appeared, judgments of condemnation were entered and the Montgomery lot was ordered sold on condition that it be denatured so that it could not be disposed of for food. The Braddock lot was ordered delivered to a packing company for salvaging the fat for use in the manufacture of munitions.

7216. Adulteration of butter. U. S. v. 31 Boxes (1,953 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14353. Sample No. 77326-F.)

LIBEL FILED: October 6, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about September 23, 1944, by Missouri Valley Creamery Co., Washington, Mo.

PRODUCT: 31 boxes, each containing approximately 63 pounds, of butter at New York, N. Y.

Examination of samples showed that the product contained mold.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance.

DISPOSITION: October 25, 1944. The Missouri Valley Creamery and the Hackworth Brokerage Co., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into refined butter oil, under the supervision of the Food and Drug Administration.

7217. Adulteration of butter. U. S. v. 10 Cartons, 148 Cartons, and 135 Cartons of Butter. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 12781, 12806, 12807. Sample Nos. 72774-F, 72776-F, 72777-F.)

LIBELS FILED: June 12, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about May 15 and June 4, 1944, by the Jerpe Commission Co., from Fayetteville, Ark.

PRODUCT: 293 cartons, each containing 32 pounds, of butter, at Memphis, Tenn. Examination of samples showed that the product contained mold.

LABEL, IN PART: "Op Fashund Roll," or "Clear Brook Creamery Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: July 31, 1944. The Jerpe Commission Co., claimant, having admitted the allegations in the libels, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was converted into refined butter oil.

7218. Adulteration of butter. U. S. v. 523 65-Pound Cartons and 127 65-Pound Cartons of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14583. Sample Nos. 86401-F, 86402-F.)

LIBEL FILED: On or about July 27, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 5, 1944, by the Dairy Products Marketing Association, Inc., from Columbus, Ohio.

PRODUCT: 650 65-pound cartons of butter, at Chicago, Ill. Analysis showed that the 127-carton lot contained mold.

LABEL, IN PART: "Blue Valley Cry Co." or "London Cry Co."

VIOLATIONS CHARGED: Adulteration (portion), Section 402 (a) (3), the product consisted in whole or in part of a decomposed animal substance; and, Section 402 (b) (2), (all lots) a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 29, 1944. The Beatrice Creamery Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the portion containing mold be converted into refined butter oil and the remainder reworked, under the supervision of the Food and Drug Administration.

7219. Adulteration of butter. U. S. v. 30 Boxes (1,800 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14573. Sample No. 82527-F.)

LIBEL FILED: September 21, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about June 26, 1944, by the South Mountain Dairies, Middletown, Md.

PRODUCT: 30 boxes, each containing 60 pounds, of butter, at New York, N. Y. Examination showed that the product contained mold mycelia and that it was deficient in butter fat.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance; and, Section 402 (b) (2), a product containing less than 80 percent of milk fat had been substituted for butter.

DISPOSITION: October 21, 1944. Alex Eisenberg and Irene Eisenberg, copartners trading as the Penn Blue Ridge Dairies, New York, N. Y., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into refined butter oil, under the supervision of the Food and Drug Administration.

7220. Adulteration of butter. U. S. v. 48 Pounds of Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 15029. Sample No. 75944-F.)

LIBEL FILED: October 25, 1944, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about October 11, 1944, by the Freeport Creamery (A. L. Nielsen & Sons Co.), from Freeport, Ohio.

PRODUCT: 48 pounds of butter, at Wheeling, W. Va.

LABEL, IN PART: Nielsen's Creamery Butter."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

7221. Adulteration of butter. U. S. v. 9 Cubes (630 pounds) of Butter. Consent decree of condemnation. Product released under bond. (F. D. C. No. 14568. Sample No. 13682-F.)

LIBEL FILED: October 24, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about October 6, 1944, by the T. & O. Sales Co., from Amarillo, Tex.

PRODUCT: 9 cubes, each containing 70 pounds, of butter, at Los Angeles, Calif.

LABEL, IN PART: "Hallren Poultry and Creamery Co. Fairview, Oklahoma * * * Creamery Butter."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80% by weight of milk fat had been substituted for butter.

DISPOSITION: November 6, 1944. The Arden Farms Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for rechurning under the supervision of the Food and Drug Administration.

7222. Adulteration of butter. U. S. v. 38 Boxes and 285 Boxes of Butter. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 14348, 14587. Sample Nos. 65780-F, 82535-F, 82902-F.)

LIBELS FILED: September 21 and October 10, 1944, Southern District of New York.

ALLEGED SHIPMENTS: On or about May 20 and June 13, 1944, by the Lakeview Dairies, Inc., Pepin, Wis.

PRODUCT: 38 boxes, each containing 63 pounds, and 285 boxes, each containing approximately 62 pounds, of butter, at New York, N. Y.

LABEL, IN PART: (Portion) "Unsalted * * * Made For Elgin Butter Tub Co. Elgin, Illinois."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 21 and November 13, 1944. Alex Eisenberg and Irene Eisenberg, copartners trading as the Penn Blue Ridge Dairies, New York, N. Y., having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7223. Adulteration of butter. U. S. v. 102 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 14364. Sample No. 87468-F.)

LIBEL FILED: October 11, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 3, 1944, by the Nimrod Creamery, from Nimrod, Minn.

PRODUCT: 102 60-pound cartons of butter at Philadelphia, Pa.

LABEL, IN PART: "Butter Distributed by Stanley Marvel * * * Phila., Pa."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 11, 1944. Stanley Marvel, Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be worked under the supervision of the Food and Drug Administration.

7224. Adulteration of butter. U. S. v. 41 Boxes (2,624 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 14354. Sample No. 65779-F.)

LIBEL FILED: September 21, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about September 8, 1944, by the Hartley Creamery, Hartley, Iowa.

PRODUCT: 41 boxes, each containing approximately 64 pounds, of butter, at New York, N. Y.

LABEL, IN PART: "Bulk Butter Distributed by Deutschman Marshall & Co. 320 New York, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 21, 1944. E. P. Deutschman & Co., New York, N. Y. claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7225. Adulteration of butter. U. S. v. 6 Cartons (384 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14567. Sample No. 87463-F.)

LIBEL FILED: On October 2, 1944, in the Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 11, 1944, by the Colton Creamery Co., from Colton, S. Dak.

PRODUCT: 6 64-pound cartons of butter at Philadelphia, Pa.

LABEL, IN PART: "Butter Distributed by C. G. Heyd & Co. * * * Phila., Pa."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 17, 1944. C. G. Heyd & Co., Philadelphia, Pa., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7226. Adulteration of butter. U. S. v. 9 68-Pound Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 14572. Sample No. 75126-F.)

LIBEL FILED: October 17, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about October 5, 1944, by the Sweet Grass Creamery, from Big Timber, Mont.

PRODUCT: 9 cubes, each containing 68 pounds, of butter at Seattle, Wash.

LABEL, IN PART: "Butter * * * Klock Produce Co. Seattle."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 20, 1944. The Klock Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7227. Adulteration of butter. U. S. v. 16 Cartons (1,024 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 14359. Sample No. 87456-F.)

LIBEL FILED: On or about September 26, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about September 5, 1944, by the Goodrich Creamery Co., Goodrich, N. Dak.

PRODUCT: 16 cartons, each containing approximately 64 pounds, of butter at New York, N. Y.

LABEL, IN PART: "J. J. Herold Co. * * * Butter."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 6, 1944. The J. J. Herold Co., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7228. Adulteration of butter. U. S. v. 12 Boxes (792 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 14352. Sample No. 77327-F.)

LIBEL FILED: October 6, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about September 23, 1944, by the F. M. Stamper Co., Moberly, Mo.

PRODUCT: 12 boxes, each containing approximately 66 pounds, of butter at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 25, 1944. The F. M. Stamper Co. and the Hackworth Brokerage Co., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7229. Adulteration of butter. U. S. v. 6 Boxes, 15 Boxes, and 16 Boxes of Butter. Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 12779, 13575. Sample Nos. 73348-F, 73386-F.)

LIBELS FILED: June 13 and July 25, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about May 25 and June 30, 1944, by the Land O'Lakes Creameries, Inc., from Minnesota Transfer, Minn.

PRODUCT: 37 64-pound boxes of butter at San Francisco, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 27 and August 14, 1944. The Golden State Co., Ltd., San Francisco, Calif., having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of an officer designated by the Federal Security Administrator.

7230. Adulteration of butter. U. S. v. 37 Cartons of Butter. Product ordered released under bond. (F. D. C. No. 12784. Sample Nos. 75611-F, 75612-F.)

LIBEL FILED: On or about June 12, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 13, 1944, by the Leon Creamery Co., Leon, Iowa.

PRODUCT: 37 cartons, each containing 30 1-pound prints, of butter at Steubenville, Ohio.

LABEL, IN PART: (Wrapper) "Kreme-Rich Brand Butter."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 30, 1944. The Pure Milk Corporation, Steubenville, Ohio, having appeared as claimant, the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7231. Adulteration of butter. U. S. v. 7 Boxes (462 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15036. Sample No. 87396-F.)

LIBEL FILED: December 7, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 18, 1944, by the Park Region Creamery, from Richville, Minn.

PRODUCT: 7 66-pound boxes of butter, at Somerville, Mass.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 26, 1944. The Pipestone Produce Co., Somerville, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

7232. Adulteration of butter. U. S. v. 46 Cases of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14575. Sample Nos. 88228-F, 88232-F.)

LIBEL FILED: October 2, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 14, 1944, by the New England Dairies, Inc., from East Berkshire, Vt.

PRODUCT: 46 54-pound cases of butter, at Springfield, Mass.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 1, 1944. The New England Dairies, Inc., Somerville, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked in conformance with the law, under the supervision of the Food and Drug Administration.

7233. Adulteration of butter. U. S. v. 28 Cartons (896 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15032. Sample No. 75959-F.)

LIBEL FILED: November 20, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 2, 1944, by the Highland Creamery Co., Terre Haute, Ind.

PRODUCT: 28 cartons, each containing 32 1-pound prints of butter, at Steubenville, Ohio.

LABEL, IN PART: (Carton) "Armour's Cloverbloom Butter Armour Creameries Distributors."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 19, 1944. Armour and Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Federal Security Agency.

7234. Adulteration of butter. U. S. v. 10 Boxes (650 pounds) of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 15038. Sample No. 87585-F.)

LIBEL FILED: December 5, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 1, 1944, by the Farmers Cooperative Trucking Association, from Wadena, Minn.

PRODUCT: 10 64-pound boxes of butter, at Philadelphia, Pa.

LABEL, IN PART: (Boxes) "Butter distributed by C. G. Heyd & Co. * * * Phila., Pa."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 15, 1944. C. G. Heyd & Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7235. Adulteration of butter. U. S. v. 41 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14349. Sample No. 77325-F.)

LIBEL FILED: September 29, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about September 20, 1944, by the Jo-Mar Dairies Co., from Pratt, Kans.

PRODUCT: 41 63-pound boxes of butter, at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 20, 1944. The Jo-Mar Dairies Co., Salena, Kans., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

7236. Adulteration of butter. U. S. v. 65 65-Pound Tubs of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14351. Sample Nos. 82516-F, 82529-F, 82532-F.)

LIBEL FILED: October 2, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about August 17, 1944, from Burlington, Vt., by the Champlain Valley Fruit Co., as agent for the Sheffield Farms Co., Inc., New York, N. Y.

PRODUCT: 65 tubs, each containing approximately 65 pounds, of butter at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 13, 1944. The Sheffield Farms Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

7237. Adulteration of butter. U. S. v. 85 Boxes of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13589. Sample No. 73400-F.)

LIBEL FILED: July 28, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about July 10, 1944, by the Golden State Co., Ltd., from Minneapolis, Minn.

PRODUCT: 85 boxes, each containing 64 pounds, of butter, at San Francisco, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 18, 1944. The Golden State Co., Ltd., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked, with the exception of such portions as should be found to conform to the law, under the supervision of the Federal Security Agency.

7238. Adulteration of butter. U. S. v. 17 Boxes of Butter (and 2 other seizure actions against butter). Decrees of condemnation. Product ordered released under bond to be reworked. (F. D. C. Nos. 13855, 13994, 14357. Sample Nos. 82317-F, 87337-F, 87351-F, 87354-F.)

LIBELS FILED: Between August 30 and September 22, 1944, Southern District of New York and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of August 9 to September 12, 1944, by the West Central Cooperative Association, Benson, Minn.

PRODUCT: Butter: 29 boxes at New York, N. Y., and 13 boxes at Philadelphia, Pa., each box containing 64 pounds.

LABEL, IN PART: "Butter Distributed By Hunter Walton & Co. * * * New York, N. Y. [or "Distributed By C. G. Heyd & Co."]."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 6, 13, and 28, 1944. West Central Cooperatives, Inc., having appeared as claimant for the New York lots, and C. G. Heyd & Co., Philadelphia, Pa., having claimed the Philadelphia lot, judgments of condemnation were entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7239. Adulteration and misbranding of butter. U. S. v. 60 Pounds and 47 Pounds of Butter. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. Nos. 15030, 15031. Sample Nos. 75945-F, 75946-F.)

LIBEL FILED: October 25, 1944, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about October 12, 1944, by the Cloverland Dairy, from Flushing, Ohio.

PRODUCT: 107 pounds of butter, at Wheeling, W. Va.

Examination showed that the product was deficient in butter fat and that it was short-weight.

LABEL, IN PART: (Parchment wrapper) "One Pound Net Cloverland Brand Butter."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Sections 403 (a) and (e), the wrappers enclosing the butter did not contain "One Pound Net," as labeled.

DISPOSITION: November 18, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

7240. Adulteration of butter. U. S. v. 117 Pounds of Butter. Consent decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 12790. Sample No. 46921-F.)

LIBEL FILED: April 27, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 1, 1944, by the Clinton Pure Butter Co., from Clinton, Iowa.

PRODUCT: 117 pounds of butter, at Morrison, Ill.

LABEL, IN PART: (Carton) "Neilsen's Quality Butter one pound."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the statement on the labeling, "one pound," was false and misleading as applied to the product, which was short-weight; and, Section 403 (e) (2), the article was in package form and its label failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: June 28, 1944. The owner of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to a public institution.

7241. Adulteration and misbranding of butter. U. S. v. Kilmer Creamery Co. Plea of guilty. Fine, \$300. (F. D. C. No. 12615. Sample Nos. 69209-F, 69210-F, 69214-F, 69215-F.)

INFORMATION FILED: November 27, 1944, District of Wyoming, against the Kilmer Creamery Co., a partnership, Lusk, Wyo.

ALLEGED SHIPMENT: Between the approximate dates of April 29 and May 8, 1944, from the State of Wyoming into the State of South Dakota.

LABEL, IN PART: (Cartons of portion) "One Pound Net When Packed W-Y-O Maid Creamery Butter." The remainder was unlabeled.

VIOLATIONS CHARGED: Adulteration (portion), Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding of labeled portion, Section 402 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the cartons contained less than the stated amount.

DISPOSITION: December 8, 1944. A plea of guilty having been entered, a fine of \$100 on each count, a total of \$300, was imposed.

CHEESE, CREAM, AND MILK

7242. Adulteration and misbranding of Colby cheese. U. S. v. 117 Colby Cheeses. Consent decree of condemnation. Product ordered released under bond for reprocessing. (F. D. C. No. 13929. Sample No. 54872-F.)

LIBEL FILED: October 6, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about August 16, 1944, by Swift & Co., from Chicago, Ill.

PRODUCT: 177 24-pound Colby cheeses, at Milwaukee, Wis.

LABEL, IN PART: "Michigan Genuine Colby."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product containing excessive moisture had been substituted in whole or in part for Colby cheese, which the product purported to be.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard for Colby cheese prescribed by the regulations, since it contained more than 40 percent of moisture, whereas the definition and standard provides that Colby cheese shall contain not more than 40 percent of moisture.

DISPOSITION: October 20, 1944. Swift & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for manufacture into processed cheese, under the supervision of the Food and Drug Administration.

7243. Adulteration of grated cheese. U. S. v. 16 Drums of Grated Cheese. Default decree of condemnation and destruction. (F. D. C. No. 12936. Sample Nos. 40453-F to 40456-F, incl.)

LIBEL FILED: July 12, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: Between March 24 and June 5, 1944, by the General Dairy, from Freeport, Ill.

PRODUCT: Grated cheese: 3 drums, each containing 100 pounds; 9 drums, each containing approximately 109 pounds; and 4 drums, each containing approximately 115 pounds, at Mayville, Wis.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7244. Adulteration of cream. U. S. v. 18 Cans of Cream. Product ordered destroyed. (F. D. C. No. 15034. Sample No. 85828-F.)

LIBEL FILED: September 14, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about September 10, 1944, by the Goshen County Creamery, from Torrington, Wyo.

PRODUCT: 18 10-gallon cans of cream, at Denver, Colo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

DISPOSITION: September 14, 1944. The consignee having consented to the entry of a decree, judgment was entered ordering that the product be destroyed immediately.

7245. Misbranding of dried skim milk. U. S. v. 114 Drums of Dried Skim Milk. Consent decree of condemnation. (F. D. C. No. 13959. Sample No. 80919-F.)

LIBEL FILED: On or about November 2, 1944, District of Kansas.

ALLEGED SHIPMENT: On or about August 8 and 14, 1944, by the Saline County Milk Producers Association (Central Missouri Milk Producers), Marshall, Mo.

PRODUCT: 114 190-pound drums of dried skim milk, at Kansas City, Kans.

LABEL, IN PART: "Roller Process Dried Skim Milk (For Human Consumption)
* * * Swift & Co. Kansas City, Kan."

VIOLATION CHARGED: Misbranding, Section 403 (g) (1), examination showed that the article was made from neutralized sour skim milk, and therefore failed to meet the definition and standard of identity for nonfat dry milk solids or defatted milk solids as prescribed by law.

DISPOSITION: December 8, 1944. The Central Missouri Milk Cooperative, claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7246. Misbranding of dry milk solids. U. S. v. 200 Pounds of Dry Milk Solids. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13753. Sample No. 61641-F.)

LABEL FILED: September 28, 1944, Northern District of Alabama; amended September 29, 1944, to cover seizure of additional lot.

ALLEGED SHIPMENT: On or about July 15, 1944, by Ward Milk Products Division, Pontotoc, Miss.

PRODUCT: 268 barrels, each containing about 200 pounds, of dry milk solids, at Birmingham, Ala.

LABEL, IN PART: "Lacalac Dry Milk Solids."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the label statement, "Made to comply with high standards by laboratory controlled manufacturing methods," was false and misleading as applied to the article, which was made from neutralized sour skim milk; Section 403 (g) (1), the article purported to be nonfat dry milk solids or defatted milk solids, but it failed to conform to the definition and standard of identity prescribed by the regulations for such food since it was not made from sweet milk of cows, but was made from neutralized sour skim milk; and, Section 403 (g) (2), its label failed to bear the name of the food specified in the definition and standard.

DISPOSITION: October 14, 1944. The Pontotoc Dairies, Pontotoc, Miss., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

7247. Misbranding of nonfat dry milk solids. U. S. v. 25 Cartons of Nonfat Dry Milk Solids. Decree of condemnation. Product ordered released under bond to be denatured. (F. D. C. No. 13894. Sample No. 87459-F.)

LABEL FILED: October 5, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about July 26 and August 5, 1944, by the Alma Dairy Products Association, from Alma, Wis.

PRODUCT: 25 cartons, each containing 125 pounds, of nonfat dry milk solids, at Duluth, Minn.

LABEL, IN PART: "Nonfat Dry Milk Solids-Roller Process."

VIOLATION CHARGED: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity prescribed by the regulations, which require that nonfat dry milk solids or defatted milk solids be made from sweet milk of cows, since the product was made from neutralized sour skim milk.

DISPOSITION: October 25, 1944. The Alma Dairy Products Association, claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured.

EGGS

7248. Adulteration and misbranding of frozen whole eggs. U. S. v. Marshfield Dairy Products Co. Plea of nolo contendere to the adulteration charges and guilty to the misbranding charges. Fine of \$100 on each count, a total of \$400. (F. D. C. No. 11435. Sample Nos. 1471-F, 38828-F.)

INFORMATION FILED: September 8, 1944, Western District of Wisconsin, against the Marshfield Dairy Products Co., a corporation, Marshfield, Wis.

ALLEGED SHIPMENT: On or about October 15, 1943, and March 14, 1944, from the State of Wisconsin into the States of Illinois and Indiana.

LABEL, IN PART: (Portion) "Whole Eggs 30 Lbs. Net Wt."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid and decomposed substance by reason of the presence of sour, putrid, and decomposed eggs.

Misbranding, Section 403 (e) (1), (all lots), the article was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. Further misbranding (Indiana lot), Section 403 (e) (2), it failed to bear a label containing a statement of the quantity of the contents; and, Section 403 (g) (2), it was a food for which a definition and standard of identity has been prescribed by the regulations, but it failed to bear a label containing the name of the food specified in the definition and standard.

DISPOSITION: October 6, 1944. A plea of *nolo contendere* having been entered as to the adulteration charges, and a plea of guilty as to the misbranding charges, a fine of \$100 on each count, a total of \$400, was imposed against the defendant.

7249. Adulteration of frozen whole eggs. U. S. v. Harry Atlas' Sons, Inc., and Sigmund Atlas. Pleas of guilty. Corporation and individual defendant each fined \$500. Prison sentence suspended and individual defendant placed on 6 months' probation. (F. D. C. No. 7318. Sample Nos. 74873-E, 74874-E.)

INFORMATION FILED: October 6, 1944, Southern District of New York, against Harry Atlas' Sons, Inc., New York, N. Y., and Sigmund Atlas, vice president, charging that the defendants caused a quantity of eggs to be introduced into interstate commerce by the Produce Terminal Storage Co., from Chicago, Ill., to Hartford, Conn., on or about October 17, 1941.

LABEL, IN PART: "Whole Eggs * * * Packed By Blue Star Produce, Inc. Offices—Council Bluffs, Iowa."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 8, 1944. Pleas of guilty having been entered on behalf of the defendants, the corporation and the individual were each fined \$500. Prison sentence was suspended with respect to the individual defendant, and he was placed on 6 months' probation.

7250. Adulteration of frozen whole eggs. U. S. v. 1,600 Cartons of Frozen Whole Eggs (and 1 other seizure action against frozen whole eggs). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 14813, 14935. Sample Nos. 61865-F, 61866-F, 96816-F.)

LIBELS FILED: On or about December 21, 1944, and January 4, 1945, Northern District of Texas.

ALLEGED SHIPMENT: Between the approximate dates of November 24 and December 8, 1944, by the B. J. Holmes Sales Co., San Francisco, Calif.

PRODUCT: 4,633 30-pound cartons of frozen whole eggs at Fort Worth, Tex.

LABEL, IN PART: "Holmestead Brand Frozen Whole Eggs."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 26, 1944, and January 4, 1945. The Rubenstein Produce Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for the segregation of the good from the bad, under the supervision of the Food and Drug Administration.

7251. Adulteration of frozen whole eggs. U. S. v. 116 Cartons and 1,100 Cartons of Frozen Whole Eggs. Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 13796, 13821. Sample Nos. 63363-F, 63375-F, 63377-F.)

LIBELS FILED: September 18 and 25, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about April 19 and June 21, 1944, by Wilson & Co., from Murfreesboro, Tenn.

PRODUCT: 1,216 30-pound cartons of frozen whole eggs at Atlanta, Ga.

LABEL, IN PART: "Frozen Whole Eggs Frose Fresh."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 19, 1944. Wilson & Co., Chicago, Ill., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

7252. Adulteration of frozen whole eggs. U. S. v. 113 Cans of Frozen Eggs. Decree ordering product released under bond. (F. D. C. No. 12890. Sample No. 49692-F.)

LIBEL FILED: July 6, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about June 9, 1944, by the Highway Butter & Egg Co., from Indianapolis, Ind.

PRODUCT: 113 cans, each containing 30 pounds, of frozen whole eggs at Rochester, N. Y.

Delay in unloading the car resulted in the defrosting and decomposition of a portion of the product.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 26, 1944. The New York Central Railroad Co. having appeared as claimant, judgment was entered ordering the product released under bond for segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration, and disposition of both portions in compliance with the law.

7253. Adulteration of frozen whole eggs. U. S. v. 1,068 Cans of Frozen Whole Eggs. Decree ordering product released under bond. (F. D. C. No. 13034. Sample No. 49696-F.)

LIBEL FILED: July 22, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about June 28, 1944, by the Dallas Egg Products Co., from Zanesville, Ohio.

PRODUCT: 1,068 cans, each containing 30 pounds, of frozen whole eggs, at Rochester, N. Y.

The shipment was refused by the consignee because the cans were defrosted.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 23, 1944. The New York Central Railroad Co. having appeared as claimant, judgment was entered ordering the product released under bond for segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration, and the disposition of both portions in compliance with the law.

7254. Adulteration of frozen whole eggs. U. S. v. 600 Cartons, 300 Cans, and 300 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13883. Sample No. 75446-F.)

LIBEL FILED: September 30, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about June 16, 1944, by the Merchants Ice & Cold Storage Co., from Louisville, Ky.

PRODUCT: 600 cartons and 600 cans, each containing 30 pounds, of frozen whole eggs at Buffalo, N. Y.

LABEL, IN PART: (Portion) "Whole Eggs * * * packed by Dearmin & Company, Odon, Indiana."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 23, 1944. A. E. Mills and Son, Inc., Boston, Mass., claimant, having admitted that some of the cans contained or may have contained decomposed eggs, but having averred that the product was not all bad, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and denatured.

7255. Adulteration of frozen whole eggs. U. S. v. 1,549 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13671. Sample No. 61820-F.)

LIBEL FILED: On or about September 15, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about August 15, 1944, by the Bestwest Produce Co., from Milwaukee, Wis.

PRODUCT: 1,549 30-pound cans of frozen whole eggs at Dallas, Tex.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed eggs, and was unfit for human consumption.

DISPOSITION: October 5, 1944. Rothenberg & Schneider Bros., Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for salvaging and separating the good from the bad portion, under the supervision of the Food and Drug Administration. The bad portion was destroyed.

7256. Adulteration of frozen egg yolks. U. S. v. 550 Cans of Frozen Egg Yolks. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14009. Sample No. 82717-F.)

LIBEL FILED: October 4, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about August 5, 1944, by Marshall Kirby & Co., Inc., Terre Haute, Ind.

PRODUCT: 550 30-pound cans of frozen egg yolks, at Brooklyn, N. Y.

LABEL, IN PART: "Kirby Quality Frozen Egg Yolks."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 20, 1944. Marshall Kirby & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency.

7257. Adulteration of dried whole egg powder. U. S. v. 310 Cartons of Dried Whole Egg Powder. Decree of condemnation. Product ordered delivered to a Federal institution, for use as stock feed. (F. D. C. No. 8939. Sample Nos. 17107-F, 17119-F.)

LIBEL FILED: December 2, 1942, Northern District of New York.

ALLEGED SHIPMENT: On or about August 30, 1942, by Domestic Egg Products, Inc., Chickasha, Okla.

PRODUCT: 310 cartons, each containing 6 3-pound cans, of dried whole egg powder at New Berlin, N. Y.

LABEL, IN PART: "Spray Dried Whole Egg Powder * * * Domestic Egg Products, Inc. A Subsidiary of Doughnut Corporation of America."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 16, 1944. The claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, to be used for stock feed.

FEEDS AND GRAINS

7258. Misbranding of alfalfa meal. U. S. v. Fairbury Mills Co. Plea of nolo contendere. Fine, \$50 and costs. (F. D. C. No. 12564. Sample No. 26293-F.)

INFORMATION FILED: September 9, 1944, District of Nebraska, against the Fairbury Mills Co., a corporation, Fairbury, Nebr.

ALLEGED SHIPMENT: On or about October 14, 1943, from the State of Nebraska into the State of Kansas.

LABEL, IN PART: "Fine Ground Alfalfa Meal Guaranteed Analysis Protein, Minimum . . . 17.0% * * * Fibre, Maximum . . . 28.0%."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements, "Protein Minimum . . . 17.0% * * * Fibre, Maximum . . . 28.0%," were false and misleading since the article contained not more than 13.31 percent of protein, and not less than 32.72 percent of fiber.

DISPOSITION: October 25, 1944. A plea of nolo contendere having been entered, the defendant was fined \$50 and costs.

7259. Misbranding of poultry and dairy feed. U. S. v. The Early & Daniel Co. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 12601. Sample Nos. 33140-F, 33241-F, 33243-F to 33246-F, incl.)

INFORMATION FILED: November 1, 1944, Southern District of Ohio, against the Early & Daniel Co., a corporation, Cincinnati, Ohio.

ALLEGED SHIPMENT: On or about November 2 and December 11, 1943, from the State of Ohio into the State of Maryland.

LABEL, IN PART: (Tags) "Tuxedo Broiler Mash [or "Egg Mash," "Dairy 33%," or "Special 24% Dairy"]."

VIOLATION CHARGED: Broiler Mash, misbranding, Section 403 (a), the following statements on the tags, "Guaranteed Analysis Protein—(Minimum) 18.0% [or "18½%"]," were false and misleading since the article contained protein in amounts varying from 14.39 percent to 15.27 percent.

Egg mash, misbranding, Section 403 (a), the statement on the tags, "Guaranteed Analysis: Protein—(minimum) 20.00%," was false and misleading since the article contained protein in amounts varying from 17.64 percent to 18.08 percent.

Special 24% Dairy and Dairy 33%, misbranding, Section 403 (a), the following statements on the tags of the respective articles, "Guaranteed Analysis: Protein . . . (minimum) 24.00%," and "Guaranteed Analysis Protein . . . (minimum) 33.00%," were false and misleading since the former article contained protein in amounts varying from 20.45 to 20.62 percent, and the latter article contained protein in amounts varying from 26.24 to 26.50 percent.

DISPOSITION: December 6, 1944. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$50 on each of 6 counts, a total of \$300, was imposed.

7260. Adulteration and misbranding of soy bean oil meal. U. S. v. Soya Processing Co. Plea of guilty. Fine, \$400. (F. D. C. No. 12623. Sample No. 33251-F.)

INFORMATION FILED: November 14, 1944, Northern District of Ohio, against the Soya Processing Co., a corporation, Wooster, Ohio.

ALLEGED SHIPMENT: On or about April 25, 1944, from the State of Ohio into the State of Maryland.

LABEL, IN PART: "Wooster Brand Soy Bean Oil Meal Guaranteed Analysis . Protein 41% Minimum."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of soy bean oil meal and calcium carbonate had been substituted in whole or in part for soy bean oil meal, which the article was represented to be.

Misbranding, Section 403 (a), the statements, "Guaranteed Analysis" and "Protein 41% Minimum," were false and misleading since the product contained not more than 37.05 percent of protein; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since the article contained 6.32 percent of calcium carbonate and the label failed to bear the name of that ingredient.

DISPOSITION: December 5, 1944. A plea of guilty having been entered, a fine of \$200 on each of 2 counts was imposed.

7261. Adulteration and misbranding of Vitapep Dog Food. U. S. v. 10 Cartons of Vitapep Dog Food (and 1 other seizure action against Vitapep Dog Food). Decrees of condemnation and destruction. (F. D. C. Nos. 14622, 14702. Sample Nos. 61849-F, 73935-F.)

LIBELS FILED: On or about December 6 and 7, 1944, Northern District of Texas and District of Arizona.

ALLEGED SHIPMENT: On or about September 26 and October 18, 1944, by the Vitapep Products, Inc., from Los Angeles, Calif.

PRODUCT: Vitapep Dog Food: 10 cartons, each containing 12 1-pound, 10-ounce bags, at Phoenix, Ariz., and 107 5-pound bags and 591 26-ounce bags, at Dallas, Tex.

This product contained a substance (the identity of which was not determined) that was deleterious and injurious to dogs.

LABEL, IN PART: "Kibbled Vitapep Dog Food."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (1), the product contained an added deleterious substance that may have rendered it injurious to health.

Misbranding, Section 403 (a), the label statements, "Vitapep," "The Ideal Ration," "is nutritious," "is healthful because all the ingredients that go into this product are proportionately balanced to insure your dog's health," and "makes an ideal mixture for small dogs and puppies * * * are good for a dog * * * they clean and strengthen the teeth and aid the flow of gastric juices," were false and misleading as applied to the product, which, when fed, caused deleterious effects; and, Section 403 (f), the information required by law to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: December 27, 1944, and February 9, 1945. The Vitapep Products, Inc., owner, having admitted the allegations of the libel against the Dallas lots, and no claimant having appeared for the lot at Phoenix, judgments of condemnation were entered and the product was ordered destroyed.

FISH AND SHELLFISH

7262. Adulteration of frozen ocean perch fillets. U. S. v. Rodney E. Feyler (Feyler's). Plea of guilty. Fine, \$200. (F. D. C. No. 12545. Sample No. 20033-F.)

INFORMATION FILED: July 31, 1944, District of Maine, against Rodney E. Feyler, trading as Feyler's, Rockland, Maine.

ALLEGED SHIPMENT: On or about September 8, 1943, from the State of Maine into the State of Massachusetts.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: September 29, 1944. A plea of guilty having been entered, the defendant was fined \$200.

7263. Adulteration of smoked fish fillets. U. S. v. 67 Boxes of Smoked Fillets. Default decree of condemnation and destruction. (F. D. C. No. 14675. Sample No. 68393-F.)

LIBEL FILED: December 5, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about November 5, 1944, by the Galilee Fish Co., New York, N. Y.

PRODUCT: 67 15-pound boxes of smoked fillets, at Cleveland, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7264. Adulteration and misbranding of canned salmon. U. S. v. 434 Cases and 72 Cases of Canned Salmon. Default decrees of condemnation and destruction. (F. D. C. Nos. 13970, 13971. Sample Nos. 78921-F to 78925-F, incl., 78928-F.)

LIBELS FILED: October 23, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 20 and 21, 1944, by the Keystone Storage Co., from East Liverpool, Ohio.

PRODUCT: 434 cases, each containing 48 1-pound cans, and 72 cases, each containing 48 cans, of salmon at Chicago, Ill.

LABEL, IN PART: (Portion) "Canteen Cohoe Alsaka Salmon [or "Pot-O-Gold Brand Medium Red Fresh Alaska Salmon"] Distributed By Western Fisheries Company [or "Co."] Seattle, Wash"; (remainder) "Grade 1 [or "Golden Glow" or "Brookdale"] Salmon."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding (portion), Section 403 (e) (1), the article was in package form, and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients, salmon and salt, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: December 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7265. Adulteration of frozen shrimp. U. S. v. 49 Boxes of Frozen Shrimp. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14320. Sample No. 82018-F.)

LIBEL FILED: October 30, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about September 18, 1944, by B. F. Skinner and G. L. Palmer, Morgan City, La.; and on or about September 23, 1944, by the Liberty Fish Co., Beaufort, S. C.

PRODUCT: 49 boxes, containing approximately 6,961 pounds, of frozen shrimp, at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December, 2, 1944. The McDonnell Fish Co., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

7266. Adulteration of frozen shrimp. U. S. v. 80 Cartons of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 14408. Sample No. 63931-F.)

LIBEL FILED: November 13, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about October 11, 1944, by the Maryland Hotel Supply Co., from Baltimore, Md.

PRODUCT: 80 cartons, each containing 12 pounds, of frozen shrimp, at Jacksonville, Fla.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7267. Adulteration of frozen shrimp. U. S. v. 13 Boxes of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 14091. Sample No. 82019-F.)

LIBEL FILED: October 27, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about September 11, 1944, by E. J. Toomer, Thunderbolt, Ga., and the Patterson Shrimp Co., Patterson, La.

PRODUCT: 13 boxes, containing a total of 1,709 pounds, of frozen shrimp, at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES*

CANNED FRUITS

7268. Misbranding of canned apricots. U. S. v. 99 Cases of Canned Apricots. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 13703. Sample No. 73436-F.)

LIBEL FILED: On or about September 29, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about August 22, 1944, by F. M. Ball & Co., Alameda, Calif.

PRODUCT: 99 cases, each containing 24 1-pound, 14-ounce cans, of apricots, at Lubbock, Tex.

LABEL, IN PART: "Town Talk Brand * * * Whole Unpeeled Apricots in Extra Heavy Syrup."

VIOLATION CHARGED: Misbranding, Section 403 (g) (2), the article failed to bear, as required by the definition and standard of identity for canned apricots, a label containing the name of the optional packing medium present, since the label bore the statement "In Extra Heavy Syrup," whereas the article was packed in sirup designated in the regulations as "heavy sirup."

*See also Nos. 7201, 7202, 7205.

DISPOSITION: November 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

7269. Misbranding of canned apricots. U. S. v. 98 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14149. Sample No. 73462-F.)

LIBEL FILED: On or about November 3, 1944, District of Kansas.

ALLEGED SHIPMENT: On or about September 15, 1944, by the Drew Canning Co., Oakland, Calif.

PRODUCT: 98 cases, each containing 24 1-pound, 13-ounce cans, of apricots, at Wichita, Kans.

LABEL, IN PART: "Harvest Home Brand Unpeeled Halves Apricots packed in Heavy Syrup."

VIOLATION CHARGED: Misbranding, Section 403 (g) (2), the article failed to bear, as required by the regulations for canned apricots, the name of the optional packing medium present in the food, since the label bore the statement "Packed in Heavy Syrup," whereas the article was packed in light sirup.

DISPOSITION: November 3, 1944. The Jett & Wood Mercantile Co., Wichita, Kans., claimant, having admitted the allegations of misbranding in the libel, judgment of condemnation was entered and the product was ordered delivered to a charitable institution. On December 8, 1944, a decree was entered ordering the product released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7270. Misbranding of canned apricots. U. S. v. 149 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13296. Sample No. 73417-F.)

LIBEL FILED: August 22, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 7, 1944, by the Mel-Williams Co., from Oakland, Calif.

PRODUCT: 149 cases, each containing 24 cans, of apricots, at St. Louis, Mo.

LABEL, IN PART: "Hunt's Supreme Quality Fancy Halves Unpeeled Apricots * * * Contents 1 Lb. 14 Oz."

VIOLATION CHARGED: Misbranding, Section 403 (a), the label statement, "in extra heavy syrup," was false and misleading as applied to an article packed in heavy sirup.

DISPOSITION: January 8, 1945. The Kroger Grocery & Baking Co., a corporation, St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or brought into compliance with the law, under the supervision of the Food and Drug Administration.

7271. Misbranding of canned cherries. U. S. v. 55 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13754. Sample No. 73449-F.)

LIBEL FILED: September 29, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 2, 1944, by the A. M. Beebe Co., San Francisco, Calif.

PRODUCT: 55 cases, each containing 24 1-pound, 14-ounce cans, of cherries, at Columbus, Ohio.

LABEL, IN PART: "Felice Fancy Light Sweet Royal Anne Cherries In Extra Heavy Syrup."

VIOLATION CHARGED: Misbranding, Section 403 (g) (2), the article failed to bear, as required by the regulations, a label containing the name of the optional packing medium, since the label bore the statement "In Extra Heavy Syrup," whereas the article was packed in sirup designated in the regulations as "Heavy Sirup."

DISPOSITION: October 18, 1944. Walter English, Columbus, Ohio, claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

7272. Adulteration of canned huckleberries. U. S. v. 23 Cases of Canned Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 12903. Sample Nos. 71278-F, 71802-F.)

LIBEL FILED: On or about July 12, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about October 30, 1942, by Bowman & Filkins, from Tacoma, Wash.

PRODUCT: 23 cases, each containing 6 No. 10 cans, of huckleberries, at Portland, Oreg.

LABEL, IN PART: (Cans) "B & F Water Pack Huckleberries."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, worms, and was otherwise unfit for food by reason of its tin content and metallic taste.

DISPOSITION: September 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7273. Misbranding of green olives. U. S. v. 49½ Cases of Green Olives. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 13622. Sample No. 73390-F.)

LIBEL FILED: September 6, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 7, 1944, by G. L. Mezzetta & Co., from Oakland, Calif.

PRODUCT: 49½ cases, each containing 24 bottles, of green olives, at Boston, Mass.

Examination showed that the article was short in drained weight.

LABEL, IN PART: "Spanish Type Olives Dr. Wt. 10½ Ozs. Ramella Brand Products."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product was food in package form, and it failed to bear a label containing an accurate statement of the quantity of contents, since the label statement "Dr. Wt. 10½ Ozs." was inaccurate.

DISPOSITION: October 20, 1944. G. L. Mezzetta & Co., San Francisco, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling in compliance with the law.

DRIED FRUITS

7274. Adulteration of dried apple chops. U. S. v. 179 Bags of Dried Apple Chops. Default decree of condemnation. Product ordered delivered to a Federal institution, for use as livestock feed. (F. D. C. No. 13412. Sample No. 77482-F.)

LIBEL FILED: August 30, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about December 11, 1943, by Charles P. Waugh, Galax, Va.

PRODUCT: 179 bags of dried apple chops at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, beetles, larvae, insect fragments, and insect excreta.

DISPOSITION: September 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, to be used as livestock feed.

7275. Adulteration of evaporated apples, and fig bars. U. S. v. 37 Cartons of Fig Bars and 16 Cartons of Evaporated Apples. Default decree of condemnation and destruction. (F. D. C. No. 14035. Sample Nos. 73915-F, 73916-F.)

LIBEL FILED: October 16, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about August 3 and 23, 1944, by the Venus Packing Co., Los Angeles, Calif.

PRODUCT: 37 cartons, each containing 12 packages, of fig bars, and 16 cartons, each containing 12 bags, of evaporated apples, at Mesa, Ariz.

LABEL, IN PART: "Figarden Brand * * * Fig Bars," or "Venus Evaporated Apples."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of beetles, larvae, insect excreta, and insect fragments.

DISPOSITION: November 29, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

7276. Adulteration of dried figs. U. S. v. 70 Boxes of Dried Figs. Consent decree of condemnation and destruction. (F. D. C. No. 14825. Sample No. 85946-F.)

LIBEL FILED: December 22, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about December 4, 1943, by Guggenhime and Co., from Modesto, Calif.

PRODUCT: 70 boxes, each containing 25 pounds, of dried figs, at Denver, Colo.

LABEL, IN PART: "Buena Fruta * * * Dried White Figs Standard."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed figs.

DISPOSITION: December 27, 1944. The consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

7277. Adulteration of dried prunes. U. S. v. 2,640 Cases of Dried Prunes. Tried to a jury. Verdict for the Government. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12252. Sample No. 63226-F.)

LIBEL FILED: April 24, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about February 17, 1944, by Rosenberg Bros. & Co., from Portland, Oreg.

PRODUCT: 2,640 25-pound cases of dried prunes at Charlotte, N. C.

LABEL, IN PART: "Northland Brand 40-50 Oregon Prunes."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On July 26, 1944, Rosenberg Bros. & Co., claimant, filed an answer denying the adulteration of the product, and thereafter filed a motion for transfer of the case to a district of reasonable proximity to its place of business. The motion was denied on August 14, 1944, in the following ruling:

WEBB, District Judge: "It appears to the Court that the movant based his right of removal on Section 334 (a), Title 21, United States Code Annotated; however, the Court is of the opinion that the provisions of said Section applies solely to mis-branded articles and in nowise covers articles that have been seized by reason of an alleged adulteration;

"It further appearing to the Court that Section 334 (b), Title 21, United States Code Annotated, fully covers the removal from one district to another of certain cases where seizures have been made of alleged adulterated articles, but the above entitled proceeding is not among those therein designated as removable;

"For the foregoing reasons, the motion to transfer and remove the above entitled cause to another district is therefore denied."

On November 8, 1944, the case having come on for trial before a jury, and a verdict having been returned in favor of the Government, judgment of condemnation was entered and the product was ordered released under bond to be disposed of for purposes other than human consumption, under the supervision of the Food and Drug Administration.

7278. Adulteration of dried prunes. U. S. v. 65 Boxes of Dried Prunes. Default decree of condemnation and destruction. (F. D. C. No. 13891. Sample No. 74646-F.)

LIBEL FILED: October 2, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about October 19, 1943, by the Valley View Packing Co., from San Jose, Calif.

PRODUCT: 65 25-pound boxes of dried prunes, at Tacoma, Wash.

LABEL, IN PART: "Valley Brand Santa Clara Prunes 40/50."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, pupae, insect fragments, and insect excreta.

DISPOSITION: January 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7279. Adulteration of pitted prunes and prune paste. U. S. v. 57 Boxes of Pitted Prunes and 24 Boxes of Prune Paste. Default decree of condemnation and destruction. (F. D. C. No. 13443. Sample Nos. 75569-F, 75570-F.)

LIBEL FILED: August 30, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about February 21, 1944, by the Consumers Food Products, Morgan Hill, Calif.

PRODUCT: 57 25-pound boxes of pitted prunes and 25 50-pound boxes of prune paste, at Youngstown, Ohio.

LABEL, IN PART: "Hi-Value Pitted Medium Santa Clara Prunes," or "Clara-Val Prune Paste."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed and filthy substances by reason of the presence of fermented prunes, and insects and insect fragments.

DISPOSITION: September 29, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

7280. Adulteration of raisins. U. S. v. 192 Boxes of Raisins. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 13104. Sample No. 61354-F.)

LIBEL FILED: On or about August 2, 1944, Southern District of Texas.

ALLEGED SHIPMENT: On or about December 3, 1943, by the Peloian Packing Co., from Reedley, Calif.

PRODUCT: 192 30-pound boxes of raisins, at Houston, Tex.

LABEL, IN PART: "Pel-Pak Brand Thompson Seedless Raisins."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of moths, beetles, larvae, pupae, and insect excreta.

DISPOSITION: January 18, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions, for use as animal feed after it had been denatured.

7281. Adulteration of raisins and Lacedex (baking ingredients). U. S. v. 8 Bags of Lacedex and 14 Cases of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 13726. Sample Nos. 68492-F, 68493-F.)

LIBEL FILED: September 23, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: From on or about November 8, 1943, to May 22, 1944, from Chicago and Rock Island, Ill.

PRODUCT: 8 bags of Lacedex blend of defatted soya flour, corn dextrine, malted wheat flour, and rye flour dextrine, and 14 cases of raisins, at Cincinnati, Ohio, in possession of the Federal Bake Shops, Inc.

The products were stored under insanitary conditions after shipment. The storage premises were rodent-infested and insect-infested, and rodent pellets and weevils were observed on and around both lots. Examination disclosed that both products contained weevils and larvae. In addition, the Lacedex contained cast skins, and the raisins contained rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 6, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

7282. Adulteration of raisins. U. S. v. 67 Cases of Raisins. Default decree of condemnation. Product ordered sold. (F. D. C. No. 13419. Sample Nos. 72575-F, 72594-F.)

LIBEL FILED: August 25, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about January 25, 1944, by Diebert Brothers and Snyder, from Biola, Calif.

PRODUCT: 67 cases, each containing 48 15-ounce cartons, of raisins, at Memphis, Tenn.

LABEL, IN PART: "Mr. Rinkly Brand * * * Choice Thompson Seedless Raisins."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: January 18, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, under the direction of the Federal Security Agency, to be denatured so that it could not be used for human consumption.

7283. Adulteration of raisins. U. S. v. 163 Cartons of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 14592. Sample No. 93641-F.)

LIBEL FILED: November 22, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about September 5, 1944, by the Sunland Sales Cooperative Association, Fresno, Calif.

PRODUCT: 163 30-pound cartons of raisins, at the Bronx, N. Y.

LABEL, IN PART: (Cartons) "Sun-Maid Midget [or "Bakery Type"] Thompson Seedless Raisins Sun-Maid Raisin Growers of California Main Office Fresno, California."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, larvae and insect excreta.

DISPOSITION: December 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRESH FRUITS

7284. Adulteration of apples. U. S. v. 52 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 14578. Sample No. 96331-F.)

LIBEL FILED: October 16, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 4, 1944, by Hybel's Produce Co., from Kalamazoo, Mich.

PRODUCT: 52 bushels of apples, at Chicago, Ill.

LABEL, IN PART: (Basket lids) "Jonathan"; (tracing) "Leroy Hiler R. 2, Water-vliet, Mich."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: December 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7285. Adulteration of apples. U. S. v. 108 Bushels and 69 Bushels of Apples. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. Nos. 13856, 13857. Sample Nos. 80319-F, 90400-F.)

LIBELS FILED: August 31, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 30, 1944, by E. R. Pool, from Anna, Ill.

PRODUCT: 177 bushel baskets of apples, at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: October 4, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions, conditioned that all peelings and cores be destroyed under the supervision of the Food and Drug Administration.

7286. Adulteration of apples. U. S. v. 87 Bushel Boxes of Apples. Default decree of condemnation and destruction. (F. D. C. No. 15045. Sample No. 93741-F.)

LIBEL FILED: November 22, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about November 2, 1944, from Chelan, Wash., by the Chelan Manson Cooperative, for the Stadelman Fruit Co., Wenatchee, Wash.

PRODUCT: 87 bushel boxes of apples, at Brooklyn, N. Y.

These apples bore spray residue containing excessive arsenic and lead.

LABEL, IN PART: "Pete's Best Brand Apples Grade C."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained added poisonous ingredients, lead and arsenic, which may have rendered the article injurious to health.

DISPOSITION: December 26, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7287. Adulteration of blueberries. U. S. v. 22¾ Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13590. Sample No. 75750-F.)

LIBEL FILED: August 1, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about July 4, 1944, by A. W. Calwell & Co., for J. Calwell, from Clinton, N. C.

PRODUCT: 22¾ crates, each containing 24 quarts, of blueberries at Buffalo, N. Y. Analysis showed that product was infested with maggots and/or larvae.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: August 29, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7288. Adulteration of blueberries. U. S. v. 14 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13580. Sample No. 76746-F.)

LIBEL FILED: July 28, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about July 22, 1944, by Arthur Kretz, Mahanoy City, Pa.

PRODUCT: 14 crates, each containing 24 quart baskets, of blueberries, at New York, N. Y.

Analysis of samples showed that the article was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: August 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7289. Adulteration of blueberries. U. S. v. 49 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13579. Sample No. 76743-F.)

LIBEL FILED: July 28, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about July 22, 1944, by J. J. Metkus, Shenandoah, Pa.

PRODUCT: 49 crates, each containing 24 quarts, of blueberries at New York, N. Y. Analysis showed that the article was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: August 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7290. Adulteration of blueberries. U. S. v. 8 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13570. Sample No. 76741-F.)

LIBEL FILED: July 28, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about July 25, 1944, by Tony Puleo, Hammonton, N. J.

PRODUCT: 8 crates, each containing 16 1-quart baskets, of blueberries at New York, N. Y.

Analysis showed that the product was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: August 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7291. Adulteration of blueberries. U. S. v. 15¾ Crates of Fresh Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13574. Sample No. 50078-F.)

LIBEL FILED: On or about July 29, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about July 26, 1944, by John Slezak, from Dupont, Pa.

PRODUCT: 15¾ crates, each containing 24 quarts, of fresh blueberries, at Buffalo, N. Y.

Analysis showed that the article was infested with maggots and/or larvae.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: August 29, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7292. Adulteration of blueberries. U. S. v. 185 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 13578. Sample Nos. 76059-F to 76061-F, incl., 76744-F, 76745-F, 76747-F.)

LIBEL FILED: July 28, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about July 22, 1944, by various shippers, from St. Clair, Shenandoah, and Mahanoy City sections, Pennsylvania.

PRODUCT: 185 crates, each containing 24 quarts, of blueberries at New York, N. Y. Analysis showed that the product was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: August 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7293. Adulteration of huckleberries. U. S. v. 117 Crates of Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 13577. Sample No. 76748-F.)

LIBEL FILED: August 4, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about August 2, 1944, by Jos. Lanza, Elwood, N. J.

PRODUCT: 117 crates, each containing 24 quarts, of huckleberries at New York, N. Y.

Analysis showed that the product was infested with maggots.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: August 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FROZEN FRUITS

7294. Adulteration of frozen blueberries in sirup. U. S. v. 750 Tins of Blueberries in Syrup. Default decree of condemnation. Product ordered delivered to the National Zoological Park. (F. D. C. No. 13771. Sample No. 92818-F.)

LIBEL FILED: September 8, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about August 2, 1944, by the Sunshine Packing Corporation, from North East, Pa.

PRODUCT: 750 tins, each containing 30 pounds, of frozen blueberries in sirup, at Washington, D. C.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: October 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park.

7295. Adulteration and misbranding of frozen cherries. U. S. v. 533 Pails of Frozen Cherries. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 14329. Sample No. 77988-F.)

LIBEL FILED: October 30, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 8, 1944, by the Monmouth Products Co., from Webster, N. Y.

PRODUCT: 533 45-pound pails of frozen cherries, at Allentown, Pa.

LABEL, IN PART: "Red Sour Pitted Cherries 4 Parts Fruit 1 Part Sugar * * * Packed by Southland Products Co. New York City N. Y."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), partially pitted cherries had been substituted in whole or in part for pitted cherries, which the article was represented to be.

Misbranding, Section 403 (a), the statement "Red Sour Pitted Cherries" was false and misleading as applied to partially pitted cherries.

DISPOSITION: November 21, 1944. The Southland Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

7296. Adulteration of frozen strawberries. U. S. v. 3 Barrels of Frozen Strawberries. Default decree of condemnation and destruction. (F. D. C. No. 14343. Sample No. 63578-F.)

LIBEL FILED: November 1, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about October 5, 1944, by the Atlantic Co., from Atlanta, Ga.

PRODUCT: 3 barrels, each containing approximately 543 pounds of frozen strawberries, at Charlotte, N. C.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed strawberries.

DISPOSITION: December 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS FRUIT PRODUCTS

7297. Adulteration of fig paste. U. S. v. 451 Boxes of Fig Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12449. Sample No. 51082-F.)

LIBEL FILED: May 27, 1944, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 8, 1944, by the Fresno Home Packing Co., from Fresno, Calif.

PRODUCT: 451 80-pound boxes of fig paste, at Scranton, Pa.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, larva fragments, and insect fragments.

DISPOSITION: November 21, 1944. The Koligian Brothers, Fresno, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be used for distillation purposes, under the supervision of the Federal Security Agency and the Alcohol Tax Unit of the Treasury Department.

7298. Adulteration of candied fruit peels. U. S. v. 228 Cartons of Candied Fruit Peels. Default decree of condemnation and destruction. (F. D. C. No. 14599. Sample Nos. 85165-F to 85167-F, incl.)

LIBEL FILED: November 24, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 4, 1944, by the Garden Fruit Specialties Co., Lakeland, Fla.

PRODUCT: 228 cartons, each containing 40 pounds, of candied fruit peels of assorted kinds, at Philadelphia, Pa.

LABEL, IN PART: (Portion) "Garden Brand Glace Fruits"; (remainder) "Packed for Brown Packing Co. Contains Grapefruit, Orange, and Lemon Peels and Citron Melon [or "Contains Citron, Grapefruit Orange and Lemon Peels"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7299. Adulteration of assorted fruits, confectionery, and wine-flavored gelatin. U. S. v. E. C. Rich, Inc. Plea of guilty. Fine, \$50. (F. D. C. No. 12531. Sample Nos. 50219-F, 50221-F, 57456-F to 57458-F, incl.)

INFORMATION FILED: On August 3, 1944, in the Southern District of New York, against E. C. Rich, Inc., New York, N. Y.

ALLEGED SHIPMENT: From on or about October 1 to November 10, 1943, from the State of New York into the States of Pennsylvania and New Jersey.

LABEL, IN PART: (Cartons) "Fruits of Victory," "Assorted Fruits," "Rich's Wine Flavored Gelatin Dessert Port [or "Sherry" or "Madeira"]"; (box) "Rich's Turkish Delight."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of one or more of the following types of filth: Insect fragments, rodent hair fragments, a larva head, insect pupa, beetles, splinters, plant fibers, a fine piece of charcoal, metal foil, small chips, insect excreta pellets, and a live weevil; and, Section

402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 11, 1944. A plea of guilty having been entered, the defendant was fined \$50.

7300. Adulteration and misbranding of jam. U. S. v. 153 Cases and 164 Cases of Jam (and 1 other seizure action against jam). Default decrees of condemnation. Portion of product ordered destroyed; remainder ordered delivered to a public institution. (F. D. C. Nos. 14603, 14668. Sample Nos. 92846-F, 92847-F.)

LIBELS FILED: November 27 and December 19, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about October 18, 1944, by the Southland Preserving Co., from Chattanooga, Tenn.

PRODUCT: 717 cases, each containing 24 1-pound jars, of jam, at Washington, D. C.

LABEL, IN PART: (Jars) "Tara 'Fruit of the Good Earth' Pure Raspberry [or "Strawberry"] Jam."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), a portion of the product (strawberry) consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product purported to be and was represented as strawberry or raspberry jam, a food for which a definition and standard of identity has been prescribed by regulations promulgated by law, and it failed to conform to such definition and standard since it was made from a mixture composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the definition and standard.

DISPOSITION: January 2 and 10, 1945. No claimant having appeared, judgments of condemnation were entered and the decomposed portion of the product was ordered destroyed. The remainder was ordered delivered to a public institution.

7301. Adulteration of jellies. U. S. v. 10 Cases of Apple-Strawberry Jelly, 20 Cases of Apple Jelly, 10 Cases of Apple-Grape Jelly, 10 Cases of Apple-Raspberry Jelly, 25 Cases of Blackberry Jelly. Default decree of condemnation. Products ordered delivered to a charitable institution, for use as animal feed. (F. D. C. No. 14136. Sample Nos. 99003-F to 99007-F, incl.)

LIBEL FILED: October 27, 1944, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about September 13, 1944, by the Preserve Products Co., St. Louis, Mo.

PRODUCT: 25 cases, each containing 24 1-pound jars, and 50 cases, each containing 12 2-pound jars, of jellies, at O'Fallon, Ill.

LABEL, IN PART: "Haddon Hall Pure Apple-Strawberry [or "Apple," "Apple-Grape," or "Apple-Raspberry"] Jelly," and "Blue Star Pure Blackberry Jelly."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites.

DISPOSITION: November 27, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a charitable institution, for use as animal feed.

7302. Adulteration and misbranding of jellies. U. S. v. 35 Cases of Apple Jelly, 100 Cases of Red Raspberry Jelly, 100 Cases of Strawberry Jelly, 50 Cases of Blackberry Jelly. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 14403. Sample Nos. 86704-F, 86705-F, 86707-F, 86709-F.)

LIBEL FILED: November 13, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about September 7, 1944, by the Phillips Co., from Chicago, Ill.

PRODUCT: 35 cases of apple jelly, 100 cases of red raspberry jelly, 100 cases of strawberry jelly, and 50 cases of blackberry jelly, each case containing 24 12-ounce jars, at Milwaukee, Wis.

LABEL, IN PART: (Jars) "United Brand Pure Apple Jelly Mint Flavored [or "Red Raspberry Jelly," "Strawberry Jelly," or "Blackberry Jelly"] * * * Distributed by United Food Sales Milwaukee, Wis."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, fruit juice, had been in part omitted; and Section 402 (b) (2), products deficient in fruit juice, insufficiently concentrated, and containing added water and phosphoric acid or acid phosphate, had been substituted in whole or in part for the jellies.

Misbranding, Section 403 (a), the names "Apple Jelly," "Red Raspberry Jelly," "Strawberry Jelly," or "Blackberry Jelly," were false and misleading; Section 403 (b), they were offered for sale under the names of other foods; and, Section 403 (g) (1), the articles failed to conform to the definition and standard of identity since they were made from mixtures composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the saccharine ingredients, they had not been concentrated by heat to such point that the soluble solids content was not less than 65 percent, and they contained added water and phosphoric acid or acid phosphate, which are not permitted as optional ingredients.

DISPOSITION: December 13, 1944. The Phillips Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

7303. Adulteration and misbranding of jelly. U. S. v. 20 Cases of Jellies. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 13315. Sample Nos. 54852-F to 54854-F, incl.)

LIBEL FILED: August 11, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about October 28, 1943, by the Morgan Groceries Co., from Chicago, Ill.

PRODUCT: 18 cases, each containing 24 16-ounce jars, 1 case containing 22 12-ounce jars, and 1 case containing 22 16-ounce jars of jelly, at Milwaukee, Wis.

LABEL, IN PART: (Jars) "Lady Marie Pure Jellies Blackberry [or "Raspberry" or "Crabapple"] * * * Lady Marie Preserving Co. Chicago, Ill."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, fruit juices, had been in part omitted from the products; Section 402 (b) (2), products deficient in fruit juices, insufficiently concentrated, and containing added water and phosphoric acid or acid phosphate, had been substituted in whole or in part for blackberry, raspberry, and crabapple jelly, respectively. Blackberry jelly and crabapple jelly (16-ounce size only), Section 402 (b) (3), inferiority had been concealed through the use of artificial coloring; and Section 402 (b) (4), artificial coloring had been added and mixed and packed with the products so as to make them appear better and of greater value than they were.

Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for jellies since they were made from mixtures composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the definition and standard, they had not been concentrated by heat to such point that their soluble solids content was not less than 65 percent, and they contained added water and phosphoric acid or acid phosphate, which are not permitted as optional ingredients of fruit jellies; and, Section 403 (a), the names "Pure Jellies Blackberry [or "Raspberry" or "Crabapple"]," were false and misleading.

DISPOSITION: November 7, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a public institution.

7304. Misbranding of vinegar. U. S. v. 49 Cases of Vinegar. Default decree of condemnation. Product ordered delivered to a charitable or public institution. (F. D. C. No. 14134. Sample No. 73655-F.)

LIBEL FILED: On or about October 30, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about September 11, 1944, by Old World Foods, Inc., from Los Angeles, Calif.

PRODUCTS 49 cases, each containing 12 bottles, of vinegar at Portland, Oreg.

LABEL, IN PART: (Bottles) "Twang distilled and wine vinegar * * * Lombardi Products, Los Angeles, California."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement appearing on the label, "Distilled water added to make uniform acetic strength of 4½%," was false and misleading since the product contained less than the declared acetic acid strength; and, Section 403 (e) (2), it was food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "1 qt." was inaccurate.

DISPOSITION: On or about December 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable or public institution.

VEGETABLES

7305. Adulteration of beans. U. S. v. 300 Bags of Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13395. Sample No. 58988-F.)

LIBEL FILED: August 29, 1944, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about October 14, 1943, from Amarillo, Tex.

PRODUCT: 300 100-pound bags of beans, at Richmond, Va., in possession of Wm. R. Hill & Co.

The product was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and contained rodent pellets and urine stains. Examination of samples showed that the article contained rodent excreta, rodent hairs, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 16, 1944. Wm. R. Hill, trading as Wm. R. Hill & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and denatured for use as animal feed, under the supervision of the Food and Drug Administration.

7306. Adulteration of blackeye beans. U. S. v. 89 Bags of Blackeye Beans. Default decree of condemnation. Product ordered sold. (F. D. C. No. 14504. Sample No. 90073-F.)

LIBEL FILED: November 21, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 4, 1944, by the Woolner Sales Corporation, from Indianapolis, Ind.

PRODUCT: 89 100-pound bags of blackeye beans, at St. Louis, Mo.

LABEL, IN PART: "California Blackeyes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and weevils.

DISPOSITION: December 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, under the direction of the Federal Security Agency, to be used for purposes other than human consumption.

7307. Misbranding of canned green beans. U. S. v. 139 Cases of Green Beans. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 13438. Sample No. 71757-F.)

LIBEL FILED: August 29, 1944, District of Idaho.

ALLEGED SHIPMENT: On or about December 7, 1943, by the Blue Lake Producers Cooperative, from Salem, Oreg.

PRODUCT: 139 cases, each containing 24 1-pound, 3-ounce cans, of cut green beans, at Lewiston, Idaho.

LABEL, IN PART: "Marion Brand Pieces Cut Green Beans."

VIOLATION CHARGED: Misbranding, Section 403 (a), the vignette of a dish containing middle cuts of green beans, and the term, "Pieces Cut Green Beans," were misleading as applied to the article, which was a by-product consisting mainly of end cuts and tips of string beans.

DISPOSITION: October 5, 1944. A decree of condemnation was entered, and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

7308. Adulteration of canned wax beans and canned green beans. U. S. v. 103 Cases of Canned Wax Beans and 338 Cases of Canned Green Beans. Consent decree of condemnation. Products ordered destroyed. (F. D. C. No. 11567. Sample Nos. 36498-F, 68805-F.)

LIBEL FILED: January 14, 1944, District of Wyoming.

ALLEGED SHIPMENT: On or about December 1 and 17, 1943, by the Producer's Canning Co., Fort Collins, Colo.

PRODUCT: 103 cases, each containing 24 1-pound, 3-ounce cans, of cut wax beans, and 338 cases, each containing 24 1-pound, 3-ounce cans, of cut green beans, at Cheyenne, Wyo.

LABEL, IN PART: (Cans) "Producer's Brand Cut Wax Beans [or "Green Beans"]."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insect-eaten beans.

DISPOSITION: November 25, 1944. The consignor and consignee having consented to an entry of decree, judgment of condemnation was entered and the products were ordered destroyed.

7309. Adulteration of frozen broccoli. U. S. v. 832 Cases of Frozen Broccoli. Decree of condemnation. Product ordered destroyed; cartons salvaged. (F. D. C. No. 12409. Sample No. 70781-F.)

LIBEL FILED: May 15, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about January 31, 1944, by Honor Brand Frosted Foods (Santa Cruz Packing Co.), from Modesto, Calif.

PRODUCT: 832 cases, each containing 6 4-pound packages, of frozen broccoli, at Tacoma, Wash.

LABEL, IN PART: (Packages) "Honor Brand * * * Distributed by Honor Brand Frosted Foods Division of Stokely Brothers & Company, Inc."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: October 13, 1944. Stokely Foods, Inc., claimant, having filed an application for permission to take samples, and the product having been found adulterated as alleged, judgment of condemnation was entered and it was ordered that the product be destroyed and the cartons salvaged.

7310. Misbranding of canned okra. U. S. v. 554 Cases of Okra. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 14328. Sample No. 85152-F.)

LIBEL FILED: October 30, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 20, 1944, by Evangeline Pepper and Food Products, from St. Martinsville, La.

PRODUCT: 554 cases, each containing 24 jars, of okra, at Philadelphia, Pa. Examination disclosed that the product was short-weight.

LABEL, IN PART: "Bulliard's Evangeline Brand Okra Fresh Picked * * * 1 Lb. Net."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: November 28, 1944. Evangeline Pepper and Food Products, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

Nos. 7311 to 7315 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality fell below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and the labels failed to bear, in the manner and form that the regulations specify, a statement that the product was below the standard.

7311. Adulteration and misbranding of canned peas. U. S. v. 32 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 11780. Sample No. 53274-F.)

LIBEL FILED: February 10, 1944, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about November, 1942, by J. Langrall & Bro., Inc., from Baltimore, Md.

PRODUCT: 32 cases, each containing 100 6-ounce cans, of peas, at Norfolk, Va.
LABEL, IN PART: (Cans) "Primo Brand Moyens Peas Prepared from Dried Peas."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (h) (1), the product was substandard.

DISPOSITION: May 30, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7312. Misbranding of canned peas. U. S. v. 82 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12647. Sample No. 40096-F.)

LIBEL FILED: On or about June 9, 1944, District of North Dakota.

ALLEGED SHIPMENT: On or about September 28, 1943, by the St. Cloud Products Association, from St. Cloud, Minn.

PRODUCT: 82 cases, each containing 24 cans, of peas, at Fargo, N. Dak.

LABEL, IN PART: (Cans) "North Woods Brand Contents 1 Lb. 4 Oz. * * Size 4 Minnesota Early June Peas."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), the product was substandard; and, Section 403 (a), the label statement "Standard Quality," and the vignette of peas in pods and a basket of bright green peas, were misleading as applied to peas that were substandard in quality.

DISPOSITION: August 5, 1944. The St. Cloud Products Association having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled and brought into compliance with the law, under the supervision of an officer designated by the Federal Security Agency Administrator.

7313. Misbranding of canned peas. U. S. v. 392 Cartons of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 14047. Sample No. 85121-F.)

LIBEL FILED: October 14, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 21, 1944, by the Draper Canning Co., from Milton, Del.

PRODUCT: 392 cartons, each containing 24 cans, of peas, at Allentown, Pa.

LABEL, IN PART: "Draper's King Cole Brand Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: October 25, 1944. The Draper Canning Co., Milton, Del., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

7314. Misbranding of canned peas. U. S. v. 686 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 14160. Sample No. 61276-F.)

LIBEL FILED: November 1, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about August 9, 1944, by the Waldo Canning Co., Waldo, Wis.

PRODUCT: 686 cases, each containing 24 1-pound, 4-ounce cans, of peas, at Fort Worth, Tex.

LABEL, IN PART: "Maplewood Wisconsin Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard.

DISPOSITION: December 22, 1944. The Waldo Canning Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

7315. Misbranding of canned peas. U. S. v. 329 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12160. Sample No. 66555-F.)

LIBEL FILED: April 12, 1944, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about September 4, 1943, by the Elkhart Lake Canning Co., from Elkhart Lake, Wis.

PRODUCT: 329 cases, each containing 24 1-pound, 4-ounce cans, of peas, at Oklahoma City, Okla.

LABEL, IN PART: (Cans) "Star of Wisconsin [or "Betty" or "Beth Brand"] Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard.

DISPOSITION: May 23, 1944. The Wallace Brokerage Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

7316. Adulteration of green split peas. U. S. v. 116 Bags of Green Split Peas. Consent decree of condemnation. Product ordered released under bond for salvaging. (F. D. C. No. 14145. Sample No. 59895-F.)

LIBEL FILED: November 13, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On November 15, 1943, by Allen V. Smith, Inc., from Garfield, Wash.

PRODUCT: 116 100-pound bags of green split peas, at Chicago, Ill.

LABEL, IN PART: "Smith's Selected Fancy Quick Cooking Green Split Peas."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, insect fragments, and insect excreta.

DISPOSITION: December 15, 1944. Allen V. Smith, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging in accordance with the law, under the supervision of the Food and Drug Administration.

7317. Misbranding of potatoes. U. S. v. Mid-South Supply Association. Plea of nolo contendere. Fine, \$25. (F. D. C. No. 12533. Sample No. 38722-F.)

INFORMATION FILED: July 12, 1944, Eastern District of Arkansas, against the Mid-South Supply Association, a corporation, Conway, Ark.

ALLEGED SHIPMENT: On or about June 15, 1943, from the State of Arkansas into the State of Illinois.

LABEL, IN PART: "100 Lbs. * * * Triumph Co-Op Potatoes."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "100 Lbs." was false and misleading since the sacks contained less than the declared weight; and, Section 403 (e) (2), the article was in package form and its label failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: October 9, 1944. A plea of nolo contendere having been entered, the defendant was fined \$25.

7318. Misbranding of potatoes. U. S. v. 300 Sacks of Potatoes. Consent decree of condemnation. Product ordered released under bond to be resacked. (F. D. C. No. 13385. Sample No. 72928-F.)

LIBEL FILED: August 28, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about August 7, 1944, by the United Produce Co., Holt, Calif.

PRODUCT: 300 sacks of potatoes at New York, N. Y.

Examination showed that the article was short-weight.

LABEL, IN PART: (Sacks) "Duck Brand Potatoes Weyl-Zuckerman & Co. Stockton Calif. 100 Lbs. Net Weight."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents, since the label statement "100 Lbs. Net Weight" was inaccurate.

DISPOSITION: September 6, 1944. The Idaho Baking Potato Distributors, Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be resacked to the declared weight, under the supervision of the Food and Drug Administration.

7319. Misbranding of potatoes. U. S. v. 276 Bags of Potatoes. Consent decree of condemnation. Product ordered released under bond to be resacked. (F. D. C. No. 13422. Sample No. 72930-F.)

LIBEL FILED: August 28, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 7, 1944, by W. E. McGillvray from Holt, Calif.

PRODUCT: 276 bags of potatoes at Chicago, Ill.

Examination showed that the article was short-weight.

LABEL, IN PART: "Delta Byron Tract Potatoes 100 lbs. net weight."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, since the label statement "100 lbs. net weight" was inaccurate.

DISPOSITION: September 1, 1944. Ira I. Fisher, Inc., Chicago, Ill., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be resacked to the declared weight, under the supervision of the Food and Drug Administration.

7320. Adulteration of canned sauerkraut. U. S. v. 1,782 Jars of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 12398. Sample No. 73303-F.)

LIBEL FILED: May 17, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about June 7, 1943, by the Goldsmith Pickle Co., from Chicago, Ill.

PRODUCT: 1,782 quart jars of sauerkraut, in cartons containing from 6 to 15 jars each, at San Francisco, Calif.

LABEL, IN PART: (Jars) "Goldsmith Brand Sauerkraut."

VIOLATION CHARGED: Adulteration. Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7321. Adulteration of canned spinach. U. S. v. 24 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 12929. Sample No. 69314-F.)

LIBEL FILED: July 15, 1944, District of Montana.

ALLEGED SHIPMENT: On or about January 31, 1944, by the Meyer Canning Co., from Edinburg, Tex.

PRODUCT: 24 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Billings, Mont.

LABEL, IN PART: (Cans) "Gold Inn Brand Spinach."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of sand and dirt; and, Section 402 (b) (4), sand and dirt had been mixed and packed therewith so as to reduce its quality.

DISPOSITION: September 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

7322. Adulteration of canned tomatoes. U. S. v. 280 Cases, 590 Cases, and 85 Cases of Canned Tomatoes. Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 14490 to 14492, incl. Sample Nos. 89881-F, 89884-F, 89889-F.)

LIBELS FILED: November 20, 1944, Southern District of Mississippi; and November 18 and 22, 1944, Northern District of Mississippi.

ALLEGED SHIPMENT: Between on or about September 4 and 25, 1944, by the George F. Porbeck Co., from Little Rock, Ark.

PRODUCT: Canned tomatoes: 280 cases, each containing 24 cans, at Greenville, Miss., and 675 cases, each containing 24 cans, at Greenwood, Miss.

This product was undergoing active decomposition.

LABEL, IN PART: "Contents 1 Lb. 3 Oz. Capps Brand Tomatoes"; portion also labeled, "Packed by Capps Canning Company, Capps, Ark."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: Between on or about November 25 and December 1, 1944, the Oxford Canning Co., Harrison, Ark., having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond to be salvaged in conformance with the law.

7323. Adulteration and misbranding of tomato catsup. U. S. v. Frazier Packing Corporation. Plea of guilty. Fine, \$250. (F. D. C. No. 11400. Sample Nos. 8339-F, 40972-F, 41117-F, 43825-F, 62471-F.)

INFORMATION FILED: August 17, 1944, Southern District of Indiana, against the Frazier Packing Corporation, Elwood, Ind.

ALLEGED SHIPMENT: From on or about September 18 to October 21, 1943, from the State of Indiana into the States of Minnesota, Texas, Louisiana, Missouri, and Arkansas.

LABEL, IN PART: "Frazier's * * * Tomato Catsup," or "Frazier's * * * Superfine * * * Tomato Catsup"; (portion of "Superfine" brand) "All Products Bearing This Label Are Guaranteed To Comply With The Pure Food Laws."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (a), the name "Superfine Tomato Catsup," and the statement, "All Products Bearing This Label are Guaranteed to Comply with the Pure Food Laws," on the labels of portions of the product, were false and misleading as applied to the article, which contained decomposed material and which did not comply with the Federal Food, Drug, and Cosmetic Act.

DISPOSITION: October 28, 1944. A plea of guilty having been entered on behalf of the corporation, a fine of \$250 was imposed.

7324. Adulteration of tomato catsup. U. S. v. Vincennes Packing Corporation. Plea of guilty. Fine, \$150 and costs. (F. D. C. No. 12516. Sample No. 4151-F.)

INFORMATION FILED: September 29, 1944, Southern District of Indiana, against the Vincennes Packing Corporation, Vincennes, Ind.

ALLEGED SHIPMENT: On or about October 23, 1943, from the State of Indiana into the State of Ohio.

LABEL, IN PART: "Alice of Old Vincennes * * * Tomato Catsup."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 21, 1944. A plea of guilty having been entered, the defendant was fined \$150 and costs.

7325. Adulteration of tomato catsup. U. S. v. 23 Cases of Tomato Catsup (and 3 other seizure actions against tomato catsup). Default decrees of condemnation and destruction. (F. D. C. Nos. 14517, 14601, 14641, 14705. Sample Nos. 68783-F, 68798-F, 68799-F, 90540-F, 90561-F.)

LIBELS FILED: Between November 27 and December 11, 1944, Southern District of Ohio, Eastern District of Kentucky, and Northern District of Ohio.

ALLEGED SHIPMENT: Between on or about September 14 and November 13, 1944, by the Morgan Packing Co., Austin, Ind.

PRODUCT: Tomato catsup: 23 cases, each containing 6 cans, at Piqua, Ohio; 171 cases, and 75 cases, each containing 24 14-ounce bottles, at Pikeville and London, Ky., respectively; and 24 cases, each containing 6 cans, and 34 cases, each containing 24 14-ounce bottles, at Lima, Ohio.

LABEL, IN PART: (Cans) "Scott Co. Tomato Catsup Contents 7 Lbs. 2 Oz.," or "Jackson Brand Tomato Catsup Contents 7 Lbs. 3 Oz."; (bottles) "Jackson [or "Old Mammy's"] Brand Tomato Catsup."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: Between December 22, 1944, and January 6, 1945, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

7326. Adulteration of dill tomato pickles. U. S. v. 176 Cartons of Dill Tomato Pickles. Default decree of condemnation and destruction. (F. D. C. No. 14337. Sample Nos. 52132-F, 52133-F.)

LIBEL FILED: October 30, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 17, 1944, by the Michigan Trading Co., from Detroit, Mich.

PRODUCT: 176 cartons, each containing 12 jars, of dill tomato pickles, at Somerville, Mass.

LABEL, IN PART: "Bond Pickle Co., Oconto, Wis. Bond's Dill Tomato Pickles."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SPICES AND FLAVORS

7327. Adulteration and misbranding of imitation lemon flavor. U. S. v. 12 Cases of Imitation Lemon Flavor. Default decree of destruction. (F. D. C. No. 12811. Sample No. 80642-F.)

LIBEL FILED: On or about July 1, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about March 9, 1944, by the La Salle Manufacturing Co., from Chicago, Ill.

PRODUCT: 12 cases, each containing 24 bottles, of imitation lemon flavor, at Joplin, Mo.

LABEL, IN PART: (Bottles) "Cook's Pride Brand Imitation Lemon Flavor."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a solution containing a trace of citral, and having little or no value as a flavoring, had been substituted in whole or in part for "Imitation Lemon Flavor"; and, Section 402 (b) (4), water had been added thereto so as to reduce its quality or strength.

Misbranding, Section 403 (a), the label statement, "Imitation Lemon Flavor," was false and misleading since the article contained so little flavoring principle that it was practically worthless for flavoring purposes.

DISPOSITION: September 1, 1944. No claimant having appeared, judgment was entered ordering the destruction of the product.

7328. Misbranding of Mole Poblano (food product). U. S. v. 100 Cases of Mole Poblano. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 14147. Sample No. 74344-F.)

LIBEL FILED: October 31, 1944, Western District of Texas.

ALLEGED SHIPMENT: On or about October 12, 1944, by La Victoria Sales Co., from Los Angeles, Calif.

PRODUCT: 100 cases, each containing 24 jars, of Mole Poblano, at El Paso, Tex. This product was short-weight.

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product was a food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents since the label statement, "Net Contents 3 Oz. Avoir," was inaccurate.

DISPOSITION: December 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

7329. Adulteration of nutmegs. U. S. v. 11 Bags and 16 Bags of Nutmegs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14549. Sample Nos. 68388-F, 68389-F.)

LIBEL FILED: November 29, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 26 and 28, 1944, by Arthur G. Dunn, New York, N. Y.

PRODUCT: 27 200-pound bags of nutmegs, at Cleveland, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and moldy nutmegs.

DISPOSITION: December 26, 1944. Only 11 bags having been seized, and the Euclid Coffee Co., Cleveland, Ohio, claimant, having admitted the facts of the libel, judgment of condemnation was entered and the product was ordered released under bond to be cleaned in order to eliminate all unfit material, or if cleaning was impracticable, it was to be disposed of for distillation or purposes other than human consumption, under the supervision of the Food and Drug Administration.

7330. Adulteration of poppy seed. U. S. v. 20 Bags of Poppy Seed. Default decree of condemnation and destruction. (F. D. C. No. 13287. Sample No. 72083-F.)

LIBEL FILED: August 21, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 21, 1940, by William G. Scarlett and Co., from Baltimore, Md.

PRODUCT: 20 109-pound bags of poppy seed at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, pupae, cast skins, insect fragments, and rodent hair fragments.

DISPOSITION: September 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7331. Adulteration of whole, mixed pickling spice. U. S. v. 5 Bags of Pickling Spice. Default decree of condemnation and destruction. (F. D. C. No. 14674. Sample No. 89697-F.)

LIBEL FILED: November 30, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 8, 1942, and May 3, 1943, by the Warfield Co. (Thomson and Taylor Division), from Chicago, Ill.

PRODUCT: 5 100-pound bags of pickling spice, at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: December 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS FOODS

7332. Adulteration of black paste, shade No. 2 (candy color). U. S. v. 2 Drums and 4 Drums of Black Paste. Default decree of condemnation and destruction. (F. D. C. No. 14472. Sample Nos. 72199-F, 72200-F.)

LIBEL FILED: November 18, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 27 and October 10, 1944, by the Florasynth Laboratories, Inc., from New York, N. Y.

PRODUCT: 2 100-pound drums and 4 200-pound drums of black paste, at St. Louis, Mo.

This product was decomposed as the result of bacterial action.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: On or about December 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7333. Adulteration and misbranding of green color. U. S. v. 12 Cans of Green Color. Default decree of condemnation and destruction. (F. D. C. No. 14321. Sample No. 88277-F.)

LIBEL FILED: October 27, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 23, 1941, by the Premier Color Works, from New York, N. Y.

PRODUCT: 12 cans of green color, at Boston, Mass.

LABEL, IN PART: "Green Color DS-Oil Soluble A Harmless Color for Technical Use."

VIOLATIONS CHARGED: Adulteration, Section 402 (c), the product contained a coal-tar color that had not been listed for use in foods in accordance with the regulations, and was other than one from a batch that had been certified.

Misbranding, Section 403 (a), the label statement, "for Technical Use," was misleading since the article was offered for food use.

DISPOSITION: January 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7334. Misbranding of dessert powder. U. S. v. 205 Cases of Dessert Powder. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 14371. Sample Nos. 82848-F, 82849-F.)

LIBEL FILED: November 3, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about September 29 and October 6, 1944, by I. Rokeach & Sons, from Farmingdale, N. J.

PRODUCT: 205 cases, each containing 48 cartons, of dessert powder, at Brooklyn, N. Y.

LABEL, IN PART: "Rokeach Chocolate Flavored Dessert."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container of the product was so filled as to be misleading since the carton containing the powder was only about half full.

DISPOSITION: January 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

7335. Adulteration of Supermelk. U. S. v. 195 Bags of Supermelk. Product ordered released under bond. (F. D. C. No. 13408. Sample No. 63727-F.)

LIBEL FILED: August 29, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about April 29, 1944, from Chicago, Ill.

PRODUCT: 195 95-pound bags of Supermelk, at Charlotte, N. C., in possession of Select Foods, Inc.

The product was stored under insanitary conditions after shipment; some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination of samples showed that the article contained rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 9, 1944. Select Foods, Inc., claimant, having admitted the allegations of the libel, judgment was entered ordering the release of the product under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

7336. Adulteration and misbranding of B-Nutron Syrup. U. S. v. 50 Bottles, 29 Bottles and 21 Bottles of B-Nutron Syrup. Default decree of condemnation and destruction. (F. D. C. No. 14467. Sample No. 75764-F.)

LIBEL FILED: November 13, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about July 27, 1944, by the Nion Corporation, from Los Angeles, Calif.

PRODUCT: 50 4-ounce bottles, 29 8-ounce bottles, and 21 1-pint bottles of B-Nutron Syrup, at Buffalo, N. Y.

Examination showed that the article contained not more than 365 U. S. P. units of vitamin B₁ per 5 cc.

LABEL, IN PART: "B-Nutron Syrup Nion."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in whole or in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label statement, "Each teaspoonful (5 cc.) contains Thiamine Chloride (B₁) 500 U. S. P. XII Units," was false since the article contained a lesser amount of vitamin B₁.

DISPOSITION: December 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7337. Misbranding of Bean-O-Bar. U. S. v. 30 Boxes of Bean-O-Bar. Default decree of condemnation and destruction. (F. D. C. No. 12416. Sample No. 52497-F.)

LIBEL FILED: May 24, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 19, 1944, by Robert H. Haskins & Son, from Esmond, R. I.

PRODUCT: 30 boxes, each containing 24 1½-ounce bars, of Bean-O-Bar.

LABEL, IN PART: "Bean-O-Bar * * * Low in Carbohydrates for restricted diets. * * * Ingredients: Cocoa Powder, Cocoa Butter, Roasted Soy Yelkin, Sucrose."

VIOLATIONS CHARGED: Misbranding, Section 403 (j), (1) the article was represented as a food for special dietary uses by man by reason of its use as a means of regulating the intake of carbohydrates for the purpose of dietary management with respect to disease (diabetes), but its label failed to bear, as required by the regulations, the percent by weight of protein, fat, and available carbohydrates in the article, and the number of available calories supplied by a specified quantity; (2) the article was represented as a food for special dietary uses by man by reason of the presence therein of a constituent (saccharin) which is not utilized in normal metabolism, but its label failed to bear, as required by the regulations, the statement, "Contains---saccharin [or "saccharin salt," as the case may be], a non-nutritive artificial

sweetener which should be used only by persons who must restrict their intake of ordinary sweets," the blank to be filled in with the percent by weight of saccharin or saccharin salt in such food; and (3) it was represented as a food for special dietary uses by man by reason of its vitamins B, G, A, D, and E content, and its phosphorus, calcium, and potassium content, but its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins B₁, G, A, and D, and of the minerals calcium and phosphorus, supplied by the food when consumed in a specified quantity during a period of 1 day, a statement of the quantity of vitamin E and potassium in a specified quantity of the food, and, since the need in human nutrition for vitamin E has not been established, a statement to that effect.

Further misbranding, Section 403 (a), the statement "16.8 grams of butter fat," which appeared on the label, was false and misleading since the article did not contain butter fat; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: July 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7338. Misbranding of "Beawun" Vitamin B₁ Tablets. U. S. v. 708 Envelopes of Beawun Vitamin B₁ Tablets. Default decree of condemnation and destruction. (F. D. C. No. 11218. Sample No. 42584-F.)

LABEL FILED: December 9, 1943, in the Western District of Washington.

ALLEGED SHIPMENT: On or about May 18, 1943, by the American Nutrition Co., from Chicago, Ill.

PRODUCT: 708 envelopes, each containing 25 tablets, of the above-named product.

Examination disclosed that the article contained approximately one milligram of vitamin B₁ per tablet, and that it was packaged in an envelope which could easily accommodate ten times as many tablets.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements appearing in the labeling of the article which represented and suggested that it was efficacious to prevent and correct fatigue, flabby digestive muscles, constipation, neuritis, beriberi, polyneuritis, flatulence, dyspepsia, headaches, lack of stamina, a "run-down" feeling, delirium tremens, poor appetite, and subnormal growth; and that nutrition surveys show that the average child and adult in the United States does not receive enough thiamine (vitamin B₁) for the highest state of health, were false and misleading since use of the article would not be of value in preventing or correcting the various symptoms, conditions, and diseases named and suggested, and nutrition surveys do not show that the average child and adult receives inadequate amounts of vitamin B₁ (thiamine).

Further misbranding, Section 403 (a), the following statements appearing on the label of the article, (envelope) "* * * contains the full minimum adult daily requirements as set up by the U. S. Food and Drug Department. 25 Beawun tablets are equal in potency of Vitamin B₁ to 438 full size hen eggs—that's over 36 dozen, or 71 Quarts of fresh pasteurized milk, or 46 Lbs Lean Top Round Beef, or 69 lbs. Light Meat Chicken, or 15 Loaves of 100% Unfortified Wheat Bread, or 1040 Raw average common apples or 297 Medium Sized Bananas," were misleading since the statements created the impression that adequate amounts of vitamin B₁ could not be obtained from common foods; that the article possessed all of the nutritional value of the quantities of the foods named; and that the U. S. Food and Drug Administration recommends or endorses the use of a dietary supplement in order to supply the adult minimum daily requirement of one milligram of vitamin B₁, whereas adequate amounts of vitamin B₁ can be obtained from common foods, the article did not possess all of the nutritional value of the quantities of food named, and the U. S. Food and Drug Administration does not recommend or endorse the use of a dietary supplement to supply the adult minimum daily requirement of vitamin B₁; and, Section 403 (d), the container of the article was so filled as to be misleading since the envelope containing the article was large enough to hold many more tablets.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1242.

DISPOSITION: January 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7339. Adulteration and misbranding of Beekom, Beekom-Plus, and Balnutrite. U. S. v. 7 Packages of Beekom, 8 Packages of Beekom-Plus, and 2 Packages of Balnutrite. Default decree of condemnation and destruction. (F. D. C. No. 10850. Sample Nos. 43003-F, 43004-F, 43006-F.)

LABEL FILED: November 8, 1943, District of Oregon.

ALLEGED SHIPMENT: On or about May 20 and July 15, 1943, by Agnus Dayee, from Hollywood, Calif.

PRODUCT: 7 packages, each containing 100 tablets, of Beekom; 8 packages, each containing 100 tablets, of Beekom-Plus; and 2 packages, each containing 180 mineral tablets and 30 vitamin perles, labeled in part "Balnutrite."

Examination of samples showed that the Beekom was more than 50 percent deficient in vitamin B₁, 70 percent deficient in vitamin C, and 50 percent deficient in riboflavin (vitamin B₂); that the Beekom-Plus was more than 50 percent deficient in vitamin B₁, 75 percent deficient in vitamin C, 45 percent deficient in niacin amide, and 65 percent deficient in riboflavin; and that the Balnutrite was more than 50 percent deficient in vitamin B₁, 75 percent deficient in riboflavin, 90 percent deficient in vitamin C, and 80 percent deficient in iodine.

VIOLATIONS CHARGED: Beekom, adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁, vitamin C, and riboflavin (vitamin B₂) had been in whole or in part omitted or abstracted from the article. Misbranding, Section 403 (a), the statements on the label, "one tablet three times daily, supplies Vitamin B₁ . . . 1,500 Int'l Units Vitamin B₂ (G) . . . 2,000 Gammas * * * Vitamin C . . . 600 Int'l Units," were false and misleading since the article contained less vitamin B₁, vitamin C, and vitamin B₂ than it was represented to contain; and, Section 403 (j), the article purported to be a food for special dietary uses by reason of its content of vitamin B₁, calcium pantothenate, filtrate factor, and biotin, but its label failed to bear, as required by the regulations, a statement of the quantity of filtrate factor and biotin furnished by a specified quantity of the article when consumed as directed during a period of 1 day, and the statement that the need for vitamin B₁, calcium pantothenate, filtrate factor, and biotin in human nutrition has not been established.

Beekom-Plus, adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁, vitamin C, niacin amide, and riboflavin had been in whole or in part omitted or abstracted from the article. Misbranding, Section 403 (a), the statements on the label, "one tablet three times daily supplies Vitamin B₁ . . . 3,000 Int'l Units Vitamin B₂ (G) . . . 3,150 Gammas * * * Niacin Amide . . . 20,000 Gammas * * * Vitamin C . . . 600 Int'l Units," and "our suggested daily intake supplies: All or more of the minimum daily requirements of Vitamins B₁, B₂, and C. Requirements of other vitamin potencies have not been established," were false and misleading since the article contained less vitamin B₁, vitamin C, niacin, and riboflavin than it was represented to contain; and, Section 403 (j), the article purported to be a food for special dietary uses by reason of its content of vitamin B₁, vitamin B₂, vitamin B₃, niacin amide, pantothenic acid, vitamin C, vitamin E, and filtrate factor, but its label failed to bear, as required by the regulations, a correct statement of the proportion of the minimum daily requirements of vitamins B₁, B₂, and C furnished by a specified quantity of the article when consumed as directed during a period of 1 day, and the statement that the need for pantothenic acid, vitamin B₃, vitamin E, and filtrate factor in human nutrition has not been established.

Balnutrite, adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁, riboflavin, vitamin C, and iodine, had been in whole or in part omitted or abstracted from the article. Misbranding, Section 403 (2), the statements on the label, "Suggested Intake * * * 1 Vitamin Perle Daily Supplies * * * 925 Int'l Units B₁ 600 Int'l Units C * * * 2100 Gammas G-B₂," and "Suggested Usage * * * 3 Mineral Tablets Twice Daily The six tablets furnish the following Mineral Factors: * * * Iodine * * * 1 Mg. * * * The daily suggested intake supplies all or more of the minimum adult daily requirement of Vitamins: * * * B₂ (G), C * * * plus the minerals: * * * Iodine," were false and misleading since the article contained less vitamin B₁, vitamin C, riboflavin, and iodine than it was represented to contain; and certain statements in a circular entitled "Streamlined Food for a Streamlined Age," which was enclosed in the shipping carton with the article, were false and misleading since they exaggerated the need for vitamin and mineral supplementation of the ordinary diet, and suggested that the product would be of value in the treatment of mineral deficiency diseases,

anemia, and faulty elimination, and that it would provide nutritional elements not readily available from ordinary food, whereas the article was not capable of fulfilling the promises stated or implied, and would not provide nutritional elements which could not easily be obtained from ordinary foods.

DISPOSITION: December 14, 1943. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

7340. Misbranding of calcium pantothenate tablets. U. S. v. 1 Carton of Calcium Pantothenate. Default decree of condemnation and destruction. (F. D. C. No. 13367. Sample No. 71064-F.)

LIBEL FILED: August 25, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about May 5, 1944, by the Freshman Vitamin Co., from Detroit, Mich.

PRODUCT: 1 carton containing 9,900 tablets of calcium pantothenate, at Portland, Oreg.

LABEL, IN PART: (Carton) "Control 2172 10,000 100 Improved 'Calpans' Calcium Pantothenate with Vitamin B₁ Each tablet contains 10 Mgm. (10,000 Micrograms) Calcium Pantothenate 333 USP Units Vitamin B₁."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), (1) the label statements, " * * * may prevent premature graying of the hair if caused by a lack of Calcium Pantothenate, a factor of the Vitamin B Complex," and "Clinical experiments have shown darkening of the hair in some cases, in 1 month's time, others ranged from 3 months to 1 year," were false and misleading since neither calcium pantothenate nor a product of the composition declared on the label would prevent graying of the hair, restore color to, or cause darkening of gray hair; and (2) the following label statement, "Standards * * * for Calcium Pantothenate (a component of Vitamin B Complex) have not been definitely established as yet. Scientific research continues," was misleading in that it failed to reveal the material fact that not even the need for calcium pantothenate in human nutrition has been established; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its calcium pantothenate content, and its label failed to bear, as the regulations require, a statement that the need for calcium pantothenate in human nutrition has not been established.

DISPOSITION: October 31, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7341. Misbranding of calcium pantothenate tablets. U. S. v. 1 Drum, 175 Bottles, 220 Bottles, and 32 Bottles of Calcium Pantothenate Tablets. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 13787. Sample Nos. 75580-F, 75581-F.)

LIBEL FILED: September 12, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 2, 1944, by Strong, Cobb and Co., from Cleveland, Ohio.

PRODUCT: 1 unlabeled drum containing approximately 55,000 calcium pantothenate tablets, 175 bottles, each containing 100 tablets, 220 bottles, each containing 35 tablets, and 32 bottles, each containing 180 tablets, at Pittsburgh, Pa.

The product, when shipped, was packaged in drums labeled in part as indicated below.

LABEL, IN PART: "Calcium Pantothenate Tablets * * * Recommended Adult Dose: One tablet daily, as a dietary supplement. Minimum daily human requirements have not as yet been established."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the label statement, "Minimum daily human requirements have not as yet been established," was misleading in that it suggested that the need for the product in human nutrition has been established, although the amount needed daily has not; and, Section 403 (j), the article was represented as a food for special dietary use by reason of its calcium pantothenate content, but its label failed to bear, as required by the regulations, a statement that the need for calcium pantothenate in human nutrition has not been established.

DISPOSITION: September 27, 1944. David B. Shakarian, Pittsburgh, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

7342. Misbranding of Class' Vitamin, Mineral and Herb Formula. U. S. v. 10¾ Cases of Class' Vitamin, Mineral and Herb Formula. Default decree of condemnation and destruction. (F. D. C. No. 11065. Sample Nos. 53443-F, 53470-F.)

LIBEL FILED: November 8, 1943, Southern District of West Virginia; amended libel filed November 30, 1943, to cover the seizure of an additional lot of 24 cases.

ALLEGED SHIPMENT: On or about August 19 and 25, 1943, from Dayton, Ohio, by the Granville Class Laboratories.

PRODUCT: 34¾ cases, each full case containing 24 8-ounce bottles, of the above-named product, at Charleston, W. Va.

Examination disclosed that the article was a mixture of water, glycerin and alcohol containing caffeine, phosphate compounds, plant extractives, and a trace of saccharin.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the name of the article and its labeling were false and misleading since they represented and implied that the article was of value by reason of its vitamin and mineral content, and that it was of value in correcting poor health, nervousness, irritability, and poor appetite by reason of the fact that it contained vitamins, minerals, and herbs, whereas the article was not a significant source of vitamins (with the exception of vitamin B₁) and minerals, it was not of value in correcting the conditions named, nor would its use result in correcting poor health; and, Section 403 (j), the article was represented as a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear, as required by the regulations, a statement of the particular minerals upon which such special dietary uses were based, and a statement of the proportion of the minimum daily requirement or the amount of such minerals supplied by the article when consumed in a specified quantity during a period of 1 day.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1243.

DISPOSITION: February 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7343. Misbranding of Grayvita. U. S. v. 4 Bottles, 2 Bottles, and 6 Bottles of Grayvita (and 2 other seizure actions against Grayvita.) Default decrees of condemnation and destruction. (F. D. C. Nos. 13633 to 13635, incl. Sample Nos. 40158-F, 67839-F, 68225-F.)

LIBELS FILED: Between September 9 and 13, 1944, Western District of Kentucky, Southern District of Ohio, and District of Minnesota.

ALLEGED SHIPMENT: Between the approximate dates of May 28, 1943, and July 25, 1944, by the Carlay Co., Chicago, Ill.

PRODUCT: Grayvita: 4 bottles, each containing 30 tablets, 2 bottles, each containing 100 tablets, and 6 bottles, each containing 250 tablets, at St. Paul, Minn.; 22 bottles, each containing 100 tablets, and 16 bottles, each containing 30 tablets, at Louisville, Ky.; and 19 bottles, each containing 30 tablets, and 30 bottles, each containing 100 tablets, at Cincinnati, Ohio.

LABEL, IN PART: "Grayvita Tablets Each Tablet Contains 10 MGM. of Calcium Pantothenate Combined with 450 Int. Units of Vitamin B₁," or "Grayvita Each tablet contains 20 Milligrams of Calcium Pantothenate."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements in the circulars and display cards of various portions of the article, entitled "Can Vitamins Change Gray Hair?" or "Information For Clerks and Users Regarding Gray Hair Vitamins Known as Grayvita," which represented and suggested that the article, when used as directed, would be effective in preventing gray hair or restoring natural color to gray hair, were false and misleading since the article, when used as directed, would not be effective for either preventing gray hair or restoring natural color to gray hair.

DISPOSITION: Between October 9 and 26, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

7344. Misbranding of Hi-Lo Tablets. U. S. v. 34 Bottles of Hi-Lo Tablets. Default decree of condemnation and destruction. (F. D. C. No. 10051. Sample No. 38130-F.)

LIBEL FILED: June 14, 1943, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about April 20, 1943, from St. Louis, Mo., by the Hi-Lo Products Co.

PRODUCT: 34 bottles, each containing 540 tablets, of the above-named product at Milwaukee, Wis.

A microanalytical examination showed that the product was essentially dried, powdered yeast.

LABEL, IN PART: "Each Tablet Contains Calcium Pantothenate * * * 4.4 Milligrams Vitamin B₁ * * * 111 U. S. P. Units Vitamin B₂ * * * 666 Micrograms Vitamin B₆ * * * 111 Micrograms Vitamin P-P (Niacin) * * * 3333 Micrograms."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), because of false and misleading statements on the carton and bottle labels and in accompanying circulars entitled, "Now Hi-Lo Products presents Hi-Lo Anti-Gray Hair Vitamin Tablets Vitamin B Complex Plus," "Hi-Lo Anti-Gray Hair Tablets," "Gray Hair? Have you heard what Vitamins are doing to Restore Color to Gray Hair and to Prevent Hair from Turning Gray?", and "Before You Buy Vitamins Look at the Labels," which represented and suggested that the article, when taken as directed, was effective in restoring the natural color to gray hair and in preventing the occurrence of gray hair, and in improving health and correcting or preventing nervousness, faulty elimination, headache, dizziness, fatigue, rapid heartbeat, and numbness of feet and ankles.

It was also alleged in the libel that a number of copies of the aforesaid circulars accompanied the article when it was introduced into and while it was in interstate commerce, in the following manner: That a copy of the circular entitled "Hi-Lo Anti-Gray Hair Tablets" was enclosed in each carton containing the tablets at the time of the shipment; that a number of copies of the other circulars were received by the consignee at its establishment in Milwaukee, Wis., from the Hi-Lo Products Co., St. Louis, Mo., on or about March 25, 1943, which was prior to the shipment of the article; that certain of the circulars were thereafter prominently displayed in the consignee's establishment together with, in association with, and in close proximity to the article; and that copies of some of the other circulars were distributed to purchasers of the article.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1244.

DISPOSITION: March 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7345. Adulteration and misbranding of Ocean-Lax and Sea-Soi, and misbranding of other special dietary products. U. S. v. 91 Bottles of West's Imported Sea Vegetable Tablets, etc. Consent decree of condemnation. Products ordered released under bond for relabeling. (F. D. C. Nos. 9608, 9900. Sample Nos. 13926-F to 13935-F, incl., 14804-F, 14811-F to 14816-F, incl., 14820-F to 14827-F, incl.)

LIBELS FILED: March 29 and May 12, 1943, Southern District of California.

ALLEGED SHIPMENT: From on or about February 17, 1942, to January 23, 1943, by Mineralized Foods, Inc., Baltimore, Md.

PRODUCT: 130 bottles of West's Imported Sea Vegetables Tablets, 223 bottles of Sea Vegecene (Powder), 226 bottles of Ocean-Lax Tablets, 140 bottles of Sodeom Tablets, 63 bottles of Sea-V-Aid Tablets, 118 bottles of Sea-Vo-Kra, 116 bottles of Imported Sea Vegetables Vitaminized with added Vitamin "A," 99 bottles of F Y A Tablets, 201 bottles of D-X Tablets, 16 bottles of Sea-Soi, and 78 bottles of Kalseom. The bottles containing these products were of various sizes, and were located at Los Angeles, Calif.

These products consisted essentially of sea weed to which had been added various substances. For details of composition see drugs and devices notices of judgment, No. 1246.

VIOLATIONS CHARGED: West's Imported Sea Vegetables Tablets, misbranding, Section 403 (a), because of false and misleading statements on the bottle label and in a circular entitled, "West's Imported Sea Vegetables," which represented, suggested, and implied that there exists in the ordinary foods consumed a substantial deficiency in the mineral elements supplied by the

article, which deficiency would result in the various disease conditions named and suggested in the labeling; that use of the article would prevent or correct such disease conditions; and that it was of nutritional and therapeutic value because of the presence of sodium, potassium, and magnesium.

Sea Vegecene (Powder), misbranding, Section 403 (a), because of false and misleading statements in the labeling which represented and suggested that the article was of nutritional significance because of the presence of iron, sodium, and phosphorus, as well as other unnamed minerals.

Ocean-Lax, adulteration, Section 402 (a) (1), the article contained deleterious substances, i. e., laxative drugs, including rhubarb, which may have rendered it injurious to health. Misbranding, Section 403 (a), the statements on the jar label and in a circular entitled, "Are You Occasionally Constipated?", which represented, suggested, and implied that the article was appropriate for food purposes; that the laxative ingredients in the article were derived from the ocean; that the alkalinity and amount of minerals supplied by the article were consequential; and that the use of the article as directed would be effective in producing the results claimed in the labeling, were false and misleading since the article, because of its content of cathartic drugs, was not appropriate for food purposes; the laxative drugs it contained were not derived from the ocean; the alkalinity and the amount of minerals supplied by the article were inconsequential; and the label failed to reveal the material fact that the sea plants and peppermint leaves in the article did not contribute to its laxative effects, and that its use as directed would not be effective in producing the results claimed or suggested.

Sodeom, misbranding, Section 403 (a), because of false and misleading statements on the jar label and in a circular entitled, "Introducing 'Sodeom' from the Ocean," which represented, suggested, and implied that the article was of nutritional significance because of the presence of sodium; and that it was of value in treating and preventing the conditions and diseases mentioned in the circular.

Sea-V-Aid, misbranding, Section 403 (a), because of false and misleading statements on the bottle label and in a circular entitled, "Are You A Victim of Nerves?", which represented, suggested, and implied that the article was of nutritional value because of the presence of minerals; that it would prevent or correct the diseases and conditions mentioned and suggested; and that the principal ingredients were derived from the sea; and, Section 403 (f), the information with respect to the proportion of the minimum daily requirement of vitamin B₁ appeared inconspicuously upon the back panel.

Sea-Vo-Kra, misbranding, Section 403 (a), the statements on the jar label and in a circular entitled, "Even Though You Have Ulcers of the Stomach or Intestines," which represented, suggested, and implied that the article was of value in the prevention or treatment of ulcers, and that it was of nutritional value as a source of food minerals and vitamins A, B, C, and D, were false and misleading since the article was not of value in the prevention or treatment of ulcers; it was not of value as a source of food minerals, with the exception of the extent to which it may have provided a supplementary source of iodine; and it was not a consequential source of vitamins A, B, C, and D.

Imported Sea Vegetables Vitaminized with added Vitamin "A," misbranding, Section 403 (a), the statements on the jar label and in the circular entitled, "Watch Out! Beware of Night Blindness!," which represented, suggested, and implied that there exists in the ordinary foods consumed a substantial deficiency in the mineral and vitamin elements supplied by the article, which deficiency would result in the various disease conditions named and suggested, and that use of the article would prevent or correct such disease conditions, were false and misleading since the nutritional elements supplied by the article are easily available from ordinary foods, and use of the article would not prevent or correct the various disease conditions named and suggested; and, Section 403 (f), the information with respect to the proportion of the minimum daily requirement of vitamin A appeared inconspicuously upon the back panel.

F Y A Tablets, misbranding, Section 403 (a), the statements on the jar label and in a circular entitled, "Invitation to the waltz* F Y A For Men and Women past 40," which represented, suggested, and implied that there exists in the ordinary foods consumed a substantial deficiency in the mineral elements supplied by the article, which deficiency would result in the various conditions named and suggested, and that use of the article would prevent or correct such disease conditions, were false and misleading since the nutritional elements supplied by the article are easily available from ordinary foods, and use of

the article would not prevent or correct the various disease conditions named and suggested; and, Section 403 (f), the information with respect to the proportion of the minimum daily requirements of vitamin B₁ appeared inconspicuously upon the back panel.

D-X Tablets, misbranding, Section 403 (a), the statements on the bottle label and in a circular entitled, "Diabetes?," which represented, suggested and implied that inadequacies in the mineral content of foods ordinarily consumed are responsible for the development of diabetes, and that use of the product would prevent or cure this disease, were false and misleading since diabetes is not a deficiency disease resulting from inadequacies in mineral intake, and consumption of the article would not effect the results stated or implied in the labeling.

Sea-Soi, adulteration, Section 402 (b) (1), a valuable constituent, iron, had been in whole or in part omitted or abstracted from the article. Misbranding, Section 403 (a), because of false and misleading statements on the bottle label and in a circular, "Nervous . . . Anemic? Sea-Soi?," which represented, suggested, and implied that use of the article in accordance with the directions would prevent or correct the diseases and conditions named and suggested, and that the principal ingredients of the article were derived from the sea; and, Section 403 (f), the information with respect to the proportion of the minimum daily requirements of vitamins A, B, C, and D, and of iron and phosphorus, appeared inconspicuously upon the back panel.

Kalseom, misbranding, Section 403 (a), the statements on the bottle label and in a circular entitled, "Can This Be True?," which represented, suggested, and implied that there exists in the ordinary foods consumed a substantial deficiency in the mineral elements supplied by the article, which deficiency would result in the various disease conditions named and suggested, were false and misleading since the nutritional elements supplied by the article are easily available from ordinary foods, and use of the product would not prevent or correct the various diseases or conditions named and suggested; and, Section 403 (f), the information with respect to the proportion of the minimum daily requirements of calcium, phosphorus, and vitamins C and D appeared inconspicuously upon the back panel.

Section 403 (j), further misbranding of the West's Imported Sea Vegetable Tablets, Sea Vegecene (Powder), Sodeom, Sea-V-Aid, Sea-Vo-Kra, Sea Vegetables Vitaminized, F Y A Tablets, D-X Tablets, Sea-Soi, and Kalseom, in that they purported to be and were represented as foods for special dietary uses by reason of their mineral content and, in some instances, their vitamin content also, and the labels failed to bear, as the regulations require, statements of the proportion of the minimum daily requirements of the minerals and vitamins which would be furnished by specified quantities of the articles when consumed as directed during a period of 1 day, and, in the cases of the Sea-Vo-Kra, Sea Vegetables Vitaminized, F Y A Tablets, and D-X Tablets, the names of the particular food minerals other than iodine upon which use of the food was based.

Misbranding of all of the articles and adulteration of the Sea-Soi were also alleged under the provisions of the law applicable to drugs, as reported in the notices of judgment on drugs and devices, No. 1246.

DISPOSITION: On August 10, 1943, Mineralized Foods, Inc., claimant, was granted its motion for the removal of the libel proceedings to a district of reasonable proximity to the city of Baltimore, Md. On October 7, 1943, the cases having been transferred to the District of Columbia and an order entered for the consolidation of the cases, and the claimant having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

7346. Misbranding of soya milk powder and soya cereal. U. S. v. 101 Packages of Soya Milk Powder and 76 Packages of Soya Cereal. Default decree of condemnation and destruction. (F. D. C. No. 12424. Sample Nos. 64867-F, 64868-F.)

LIBEL FILED: June 12, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about April 3, 1944, by the McBride Products Co., from South Pasadena, Calif.

PRODUCT: 101 packages, each containing 12½ ounces, of soya milk powder, and 76 packages, each containing 1 pound, of soya cereal, at Seattle, Wash.

Examination showed that the soya milk powder consisted essentially of powdered soy beans with small quantities of dextrose and lactose; and that the soya cereal consisted chiefly of coarsely ground wheat, and contained wheat germ and ground soy beans.

LABEL, IN PART: "Mary McBride's Soya Milk Powder [or "Soya Cereal"]."

VIOLATIONS CHARGED: Misbranding, soya milk powder, Section 403 (a), because of certain statements in the labeling which created the false and misleading impression that the article, when used as directed, would provide the nutritional values of milk; that it was rich in calcium; that it was a valuable source of proteins, vitamins, and minerals; that it contained substantial quantities of vitamins A, B, G, E, F, and K; that it was of special value by reason of the soya-bean protein present therein; and that it was particularly useful to individuals who must restrict their carbohydrate intake.

Misbranding, soya cereal, Section 403 (a), because of certain statements in the labeling which created the false and misleading impression that the article was essentially a soybean product, providing the nutritional value of soybeans; and that it was of unusual value as a source of vitamins A, B, G, E, F, and K and the vitamins of the B-complex, whereas the article contained substantial quantities of ingredients other than soybeans, and it was not of special value by reason of the presence of the vitamins named.

DISPOSITION: October 18, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

7347. Misbranding of Vit-an-Min. U. S. v. S & R Laboratories, Inc. Plea of guilty. Fine, \$200 and costs. (F. D. C. No. 10598. Sample Nos. 3064-F, 3065-F.)

INFORMATION FILED: January 29, 1944, Northern District of Illinois, against the S & R Laboratories, Inc., Chicago, Ill.

ALLEGED SHIPMENT: On or about April 20, 1943, from the State of Illinois into the State of Missouri.

PRODUCT: Examination disclosed that the product consisted of a light brown, powdered material containing essentially vitamins A, D, B₁, and riboflavin, and the minerals, calcium, phosphorus, and iron.

VIOLATION CHARGED: Misbranding, Section 403 (a), because of false and misleading statements appearing in its labeling which represented and suggested that the article was of significant nutritional value by reason of the presence of vitamin B₆, vitamin E, and other factors of the B-complex as found in brewers' yeast; that the article would give the user health and beauty; that it would insure normal functioning and correct abnormalities of the brain, pituitary gland, thyroid gland, parathyroid glands, thymus gland, spleen, pancreas, adrenal glands, gonads, prostate gland, pineal gland, mammary glands, and spinal cord; and that the article would extend youth, prolong life, promote growth and appetite, protect against infection and scurvy, prevent pellagra, and overcome sterility.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1241.

DISPOSITION: On April 24, 1944, the defendant filed a motion to quash the information on the ground (1) that the article was not a drug, and (2) that each of the counts in the information, when considered with the affidavits attached thereto, were confusing and without sufficient certainty and particularity. Argument by counsel on the motion was thereafter heard, and on May 19, 1944, an order by the court in denial of the motion was entered. On June 26, 1944, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200 and costs.

7348. Adulteration and misbranding of vitamin A tablets. U. S. v. 3 Cans and 1 Can of Vitamin A Tablets. Default decree of condemnation and destruction. (F. D. C. No. 12161. Sample No. 957-F.)

LIBEL FILED: April 13, 1944, Northern District of Indiana.

ALLEGED SHIPMENT: On or about January 24 and February 15, 1944, by the V. M. V. Food Products Co., Oakland, Calif.

PRODUCT: 3 cans containing approximately 25,000 vitamin A tablets, and 1 can containing approximately 12,500 vitamin A tablets, at Hammond, Ind.

Examination showed that the article contained less than 2,500 U. S. P. units of vitamin A per tablet.

LABEL, IN PART: "No. 81A Vitamin 'A' Tablets * * * 1 tablet supplies 25% more than the average daily requirements for Vitamin A."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the statement, "1 tablet supplies 25% more than the average daily requirements for Vitamin A," was false and misleading since the article contained substantially less vitamin A than was represented, the minimum adult daily requirement of vitamin A being 4,000 U. S. P. units.

DISPOSITION: October 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7349. Adulteration and misbranding of vitamin tablets. U. S. v. E. S. Miller Laboratories, Inc. Plea of nolo contendere. Fine, \$500 on count 1, sentence suspended on count 2, and defendant placed on 2 years' probation. (F. D. C. No. 12572. Sample No. 36479-F.)

INFORMATION FILED: October 2, 1944, Southern District of California, against the E. S. Miller Laboratories, Inc., Los Angeles, Calif.

ALLEGED SHIPMENT: On or about October 29, 1943, from the State of California into the State of Colorado.

LABEL, IN PART: "Miller Red Poly Vitamin."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent of the article, vitamin A, had been in part omitted or abstracted therefrom, since the article was represented to contain in each tablet 5,000 International Units of vitamin A, and it contained less than 2,500 International Units of vitamin A.

Misbranding, Section 403 (a), the statement on the label, "Each Tablet Contains Vitamin A * * * 5,000 I. U.," was false and misleading.

DISPOSITION: October 30, 1944. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$500 was imposed on count 1. Sentence was suspended on count 2, and the defendant was placed on probation for 2 years.

7350. Misbranding of wheat germ. U. S. v. 49 Cases of Wheat Germ. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 13208. Sample No. 73320-F.)

LIBEL FILED: August 9, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about June 19, 1944, by Ener-G Cereal Corporation, from Seattle, Wash.

PRODUCT: 49 cases, each containing 12 1-pound packages, of wheat germ, at San Francisco, Calif.

Examination showed that the article was 60 percent deficient in vitamin B₁.

LABEL, IN PART: "Jolly Joan Analyzed Wheat Germ Contains Vitamins B—G & E."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the label statement, "Vitamin B₁ (U. S. P. or International Units) 414.8," was false and misleading as applied to the article, which contained less than the stated amount of vitamin B₁; the label statement, "Contains Vitamins G & E," was misleading since the article, when used as directed or as customarily consumed, supplied nutritionally inconsequential amounts of vitamin G, and the label failed to reveal that the quantity of vitamin E supplied was inconsequential, and that the need for vitamin E in human nutrition has not been established; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin A, vitamin B₁, riboflavin, vitamin E, iron, calcium, and phosphorus content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamin A, vitamin B₁, riboflavin, calcium, phosphorus, and iron.

DISPOSITION: September 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

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¹ (7277) Seizure contested. Contains opinion of the court.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

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SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

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Desoto Canning Co.:		frozen whole eggs-----	7252
canned orange juice-----	7205	Hiler, Leroy:	
Deutschman Marshall & Co.:		apples-----	7284
butter-----	7224	Hill, Wm. R., & Co.:	
Diebert Bros. and Snyder:		beans-----	7305
raisins-----	7282	Hi-Lo Products Co.:	
Domestic Egg Products, Inc.:		Hi-Lo Tablets-----	7344
dried whole egg powder-----	7257	Holmes, B. J., Sales Co.:	
Doughnut Corp. of America. See Do-		frozen whole eggs-----	7250
mestic Egg Products, Inc.		Honor Brand Frosted Foods:	
Draper Canning Co.:		frozen broccoli-----	7309
canned peas-----	7313	Hunter, Walton & Co.:	
Drew Canning Co.:		butter-----	7238
canned apricots-----	7269	Hybel's Produce Co.:	
Dunn, A. G.:		apples-----	7284
nutmegs-----	7329	Ideal Pure Milk Co.:	
Early & Daniel Co.:		butter-----	7211
poultry and dairy feed-----	7259	Jerpe Commission Co.:	
Elgin Butter Tub Co.:		butter-----	7217
butter-----	7222	Jerpe Dairy Products Corp.:	
Elkhart Lake Canning Co.:		butter-----	7209
canned peas-----	7315	Ja-Mar Dairies Co.:	
Emma Creamery Co.:		butter-----	7235
butter-----	7207	Keystone Storage Co.:	
Ener-G Cereal Corp.:		canned salmon-----	7264
wheat germ-----	7350	Kilmer Creamery Co.:	
Evangeline Pepper and Food Prod-		butter-----	7241
ucts:		Kirby, Marshall, & Co., Inc.:	
canned okra-----	7310	frozen egg yolks-----	7256
Fairbury Mills Co.:		Klock Produce Co.:	
alfalfa meal-----	7258	butter-----	7226
Farmers Cooperative Trucking		Kraft Cheese Co.:	
Assoc.:		butter-----	7208
butter-----	7234		

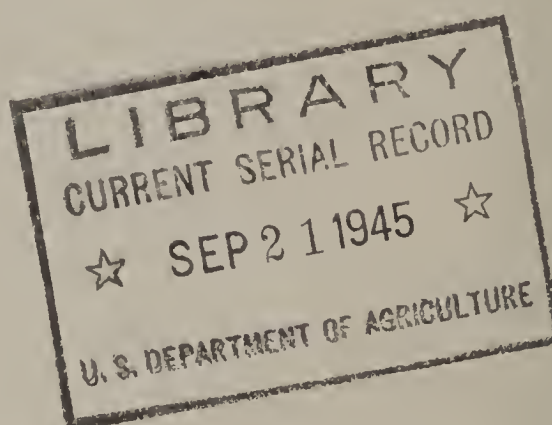
SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Kretz, Arthur:		Park Region Creamery:	
blueberries-----	7288	butter-----	7231
La Salle Manufacturing Co.:		Patterson Shrimp Co.:	
imitation lemon flavor-----	7327	frozen shrimp-----	7267
La Victoria Sales Co.:		Pelolan Packing Co.:	
Mole Poblano-----	7328	raisins-----	7280
Lady Marie Preserving Co.:		Phillips Co.:	
jelly-----	7303	jellies-----	7302
Lakeview Dairies, Inc.:		Pool, E. R.:	
butter-----	7222	apples-----	7285
Land O'Lakes Creameries, Inc.:		Porbeck, George F., Co.:	
butter-----	7229	canned tomatoes-----	7322
Langrall, J., & Bro., Inc.:		Premier Color Works:	
canned peas-----	7311	green color-----	7333
Lanza, Jos.:		Preserve Products Co.:	
huckleberries-----	7293	jellies-----	7301
Leon Creamery Co.:		Producer's Canning Co.:	
butter-----	7230	canned green beans and canned wax	
Liberty Fish Co.:		beans-----	7308
frozen shrimp-----	7265	Puleo, Tony:	
Lombardi Products:		blueberries-----	7290
vinegar-----	7304	Rich, E. C., Inc.:	
London Creamery Co.:		assorted fruits, confectionery, and	
butter-----	7208, 7218	wine-flavored gelatin-----	7299
Lowenfels, F. F., & Son:		Rokench, L., & Sons:	
butter-----	7211	dessert powder-----	7334
McBride Products Co.:		Rosenberg Bros. & Co.:	
soya milk powder and soya cereal--	7346	dried prunes-----	¹ 7277
McGillvray, W. E.:		S & R Laboratories, Inc.:	
potatoes-----	7319	Vit-an-Min-----	7347
Marshall, Deutschman, & Co. <i>See</i>		St. Cloud Products Assoc.:	
Deutschman Marshall & Co.		canned peas-----	7312
Marshfield Dairy Products Co.:		Saline County Milk Producers Assoc.	
frozen whole eggs-----	7248	(Central Missouri Milk Pro-	
Marvel, Stanley:		ducers):	
butter-----	7223	dried skim milk-----	7245
Maryland Hotel Supply Co.:		Santa Cruz Packing Co. <i>See</i> Honor	
frozen shrimp-----	7266	Brand Frosted Foods.	
Mel-Williams Co.:		Searlett, William G., & Co.:	
canned apricots-----	7270	poppy seed-----	7330
Merchants Ice & Cold Storage Co.:		Schlosser Bros., Inc.:	
frozen whole eggs-----	7254	butter-----	7208, 7213
Metkus, J. J.:		Scott Co.:	
blueberries-----	7289	tomato catsup-----	7325
Meyer Canning Co.:		Seull, Wm. S., Co.:	
canned spinach-----	7321	coffee-----	7203
Mezzetta, G. L., & Co.:		Select Foods, Inc.:	
green olives-----	7273	supermilk-----	7335
Michigan Trading Co.:		Shawnee County Creamery:	
dill tomato pickles-----	7326	butter-----	7210
Mid-South Supply Assoc.:		Sheffield Farms Co., Inc.:	
potatoes-----	7317	butter-----	7236
Miller, E. S., Laboratories, Inc.:		Skinner, B. F.:	
vitamin tablets-----	7349	frozen shrimp-----	7265
Mineralized Foods, Inc.:		Slezak, John:	
West's Imported Sea Vegetables		blueberries-----	7291
Tablets, Sea Vegecene (Powder),		Smith, Allen V., Inc.:	
Ocean-Lax Tablets, Sodeom Tab-		green split peas-----	7316
lets, Sea-V-Aid Tablets, Sea-Vo-		South Mountain Dairies:	
Kra, Imported Sea Vegetables Vi-		butter-----	7219
taminized, F Y A Tablets, D-X		Southland Preserving Co.:	
Tablets, Sea-Sol, Kalseom-----	7345	jam-----	7300
Missouri Valley Creamery Co.:		Southland Products Co.:	
butter-----	7216	frozen cherries-----	7295
Monmouth Products Co.:		Soya Processing Co.:	
frozen cherries-----	7295	soy bean oil meal-----	7260
Morgan Groceries Co.:		Stadelman Fruit Co.:	
jelly-----	7303	apples-----	7286
Morgan Packing Co.:		Stamper, F. M., Co.:	
tomato catsup-----	7325	butter-----	7228
Mulligan, W. J., and Co.:		Stokely Brothers & Co., Inc. <i>See</i>	
vermouth-----	7206	Honor Brand Frosted Foods.	
Neilsen, A. L., & Sons Co. <i>See</i> Free-		Strong, Cobb and Co.:	
port Creamery.		calcium pantothenate tablets-----	7341
New England Dairies, Inc.:		Sunland Sales Cooperative Assoc.:	
butter-----	7232	raisins-----	7283
Nimrod Creamery:		Sun-Maid Rasin Growers of Cali-	
butter-----	7223	fornia:	
Nion Corp.:		raisins-----	7283
B-Nutron Syrup-----	7336	Sunshine Packing Corp.:	
Old Chateau Products:		frozen blueberries in sirup-----	7294
beverage sirups-----	7202	Sweet Grass Creamery:	
Old World Foods, Inc.:		butter-----	7226
vinegar-----	7304		
Palmer, G. L.:			
frozen shrimp-----	7265		

¹ 7277 Seizure contested. Contains opinion of the court.

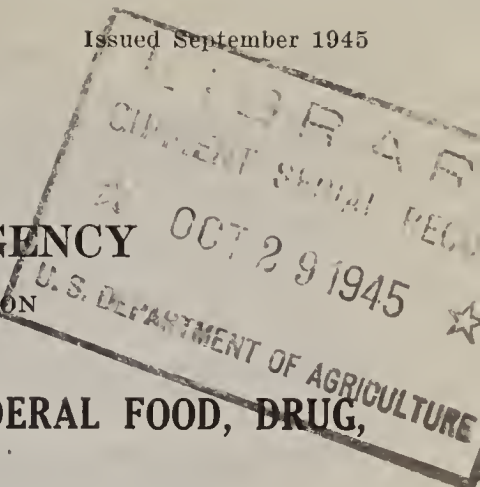
SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Swift & Co.:		Waldo Canning Co.:	
butter-----	7208	canned peas-----	7314
Colby cheese-----	7242	Walton, Hunter, & Co., <i>See</i> Hunter	
skim milk, dried-----	7245	Walton & Co.	
T. & O. Sales Co.:		Ward Milk Products Division:	
butter-----	7221	dry milk solids-----	7246
Thomson and Taylor. <i>See</i> Warfield		Warfield Co. (Thomson and Taylor	
Co.		Division):	
Toomer, E. J.:		whole, mixed pickling spice-----	7331
frozen shrimp-----	7267	Waugh, C. P.:	
United Food Sales:		dried apple chops-----	7274
jellies-----	7302	West Central Cooperative Assoc.:	
United Produce Co.:		butter-----	7238
potatoes-----	7318	Western Fisheries Co.:	
V. M. V. Food Products Co.:		canned salmon-----	7264
vitamin A tablets-----	7348	Weyl-Zuckerman & Co.:	
Valley View Packing Co.:		potatoes-----	7318
dried prunes-----	7278	Wilson & Co.:	
Venus Packing Co.:		butter-----	7209
evaporated apples, and fig bars-----	7275	eggs, frozen-----	7251
Vincennes Packing Corp.:		Woolner Sales Corp.:	
tomato catsup-----	7324	blackeye beans-----	7306
Vitapep Products, Inc.:			
Vitapep Dog Food-----	7261		



FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION



NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug and Cosmetic Act]

7351-7500

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., June 2, 1945.

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CEREALS AND CEREAL PRODUCTS

ALIMENTARY PASTES

7351. Adulteration of alimentary pastes. U. S. v. Joseph Pinnola (Vittoria Macaroni Co.). Plea of guilty. Fine, \$1,000. (F. D. C. No. 10575. Sample Nos. 17334-F to 17336-F, incl., 23295-F, 23296-F.)

INFORMATION FILED: January 5, 1944, Eastern District of New York, against Joseph Pinnola, trading as the Vittoria Macaroni Co., Maspeth, Long Island, N. Y.

ALLEGED SHIPMENT: On or about July 9, 1942, and April 28, 1943, from the State of New York into the States of New Jersey and Pennsylvania.

LABEL, IN PART: (Packages) "Vittoria Fusilli Col-Buco * * * Macaroni Egg—Principessa [or "Egg—Fusillini"]," "Vittoria Brand Fusilli Originali Col Buco * * * Egg Fiocchetti," or "Alto Brand Alto Products Co. Distributors Philadelphia, Pa."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments and miscellaneous filth, such as a rodent hair fragment, cat hair fragment, larva heads, and small pebbles; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Further adulteration of portions of the products, Section 402 (b) (2), artificially colored alimentary pastes containing materially less egg solids than

egg alimentary pastes should contain had been substituted in whole or in part for egg alimentary pastes; Section 402 (b) (3), the articles were inferior to egg alimentary pastes, and their inferiority had been concealed by the addition of artificial color; Section 402 (b) (4), artificial color had been mixed or packed therewith so as to make them appear better and of greater value than they were; and, Section 402 (c), they contained a coal-tar color other than one from a batch that had been certified in accordance with the regulations.

DISPOSITION: November 9, 1944. A plea of guilty was entered, and a fine of \$500 was imposed on each of 2 counts, for a total of \$1,000.

7352. Adulteration of alimentary paste products. U. S. v. V. Viviano & Bros. Macaroni Manufacturing Co., Inc. Plea of guilty. Fine, \$1,400. (F. D. C. No. 12542. Sample Nos. 9875-F, 47241-F, 47242-F, 47436-F to 47439-F, incl.)

INFORMATION FILED: On or about August 22, 1944, Eastern District of Missouri, against the V. Viviano & Bros. Macaroni Manufacturing Co., Inc., St. Louis, Mo.

ALLEGED SHIPMENT: From on or about January 23 to August 11, 1943, from the State of Missouri into the States of Texas, Tennessee, and Arkansas.

LABEL, IN PART: "Medium Egg Noodles," "Belmont Spaghetti [or "Macaroni"]," or "Viviano * * * DeLuxe Macaroni [or "Elbow Macaroni," "Spaghetti," or "Pure Egg Noodles"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of one or more of the following types of filth: Insects, rodent hairs, hairs resembling rodent or cat hairs, hair fragments resembling rodent hairs, insect fragments, rodent hair fragments, cat hair fragments, adult beetles, insect larvae, and a small fly; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: September 15, 1944. A plea of guilty was entered, and the defendant was fined \$200 on each of 7 counts, for a total of \$1,400.

7353. Adulteration of egg noodles. U. S. v. 19 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 12809. Sample No. 51674-F.)

LIBEL FILED: June 28, 1944, District of Maine.

ALLEGED SHIPMENT: On or about May 10, 1944, by the Musolino Lo Conte Co., from Boston, Mass.

PRODUCT: 19 cases, each containing 12 1-pound bags, of egg noodles at Portland, Maine.

LABEL, IN PART: (Bags) "San Martin Brand Pure Home Style Egg Noodles * * * Mfg. By San Martin Foods Co. Boston, Massachusetts."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and fragments resembling rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7354. Adulteration of macaroni. U. S. v. 89 Cartons of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 14019. Sample Nos. 73913-F, 73914-F.)

LIBEL FILED: October 11, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about May 7 and June 18, 1943, by the Skinner Manufacturing Co., from Omaha, Nebr.

PRODUCT: 55 cartons and 34 cartons, each containing 48 7-ounce packages, of macaroni at Mesa, Ariz.

LABEL, IN PART: "* * * Skinner's The Superior Short Cut [or "Large"] Elbow Macaroni."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles.

DISPOSITION: November 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7355. Adulteration of macaroni. U. S. v. 13 Cartons of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 13387. Sample No. 58987-F.)

LIBEL FILED: August 26, 1944, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about October 28, 1943, by the Megs Macaroni Co., from Harrisburg, Pa.

PRODUCT: 13 20-pound cartons of macaroni at Richmond, Va.

LABEL, IN PART: (Cartons) "Capitol Brand Long Macaroni."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of larvae, pupae, and beetles.

DISPOSITION: September 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7356. Adulteration of spaghetti dinner. U. S. v. 62 Cases of Spaghetti Creole Mix. Consent decree of condemnation and destruction. (F. D. C. No. 14193. Sample Nos. 68876-F, 68877-F.)

LIBEL FILED: November 8, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about September 14 and 15, 1943, by the C. E. Jacobs Packing Co., from Chicago, Ill.

PRODUCT: 62 cases, each containing 48 8¼-ounce boxes, of spaghetti dinner at Denver, Colo.

LABEL, IN PART: "Jacob's Spaghetti Creole Mix."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of weevils and larvae.

DISPOSITION: December 9, 1944. The consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

7357. Misbranding of spaghetti dinner. U. S. v. 55 Cases of Spaghetti Dinner. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 12738. Sample No. 61501-F.)

LIBEL FIELD: June 23, 1944, Southern District of Alabama.

ALLEGED SHIPMENT: On or about May 23, 1944, by the National Food Products Co., from New Orleans, La.

PRODUCT: 55 cases, each containing 24 6-ounce cartons, of spaghetti dinner at Mobile, Ala.

Each carton contained a cellophane bag of dehydrated spaghetti sauce and small elbow spaghetti, packed loosely in the carton. The average fill of the container was about 62 percent. The statement of ingredients and quantity of contents was printed in small, green type on a brown background, and was indistinct.

LABEL, IN PART: (Cartons) "Luxury Brand * * * Spaghetti Dinner."

VIOLATIONS CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading since the spaghetti and sauce occupied only about 62 percent of the volume of the carton; and, Section 403 (f), the statement of the quantity of the contents and the common or usual name of each ingredient, required by law to appear on the label, were not placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: October 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

BAKERY PRODUCTS

7358. Adulteration of cake. U. S. v. Yur-Favorit Cake Co. Plea of guilty. Fine, \$500. (F. D. C. No. 12525. Sample Nos. 62820-F to 62823-F, incl.)

INFORMATION FILED: June 29, 1944, Eastern District of Missouri, against the Yur-Favorit Cake Co., a corporation, St. Louis, Mo.

ALLEGED SHIPMENT: On or about January 8, 1944, from the State of Missouri into the State of Illinois.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of rodent

hair fragments, hair fragments resembling rodent hairs, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 11, 1944. A plea of guilty was entered, and the defendant was fined \$500.

7359. Adulteration of fruit cake. U. S. v. 1,496 Boxes and 597 Boxes of Fruit Cake (and 2 other seizure actions against fruit cake). Default decrees of condemnation. Product ordered delivered to the National Zoological Park, for use as animal feed. (F. D. C. Nos. 14620, 14643, 14644. Sample Nos. 92852-F, 92857-F to 92859-F, incl.)

LIBELS FILED: November 30 and December 11, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about November 1, 9, 15, and 16, 1944, by the Chesapeake Baking Co., from Baltimore, Md.

PRODUCT: 2,070 2-pound cakes, 1,094 3-pound cakes, and 48 5-pound cakes of fruit cake at Washington, D. C.

LABEL, IN PART: " 'Olde Bell Brand' Fruit Cake * * * Olde Bell Fruit Cakes * * * Baltimore, Md.," or "Fine Quality Fruit Cake Baked Expressly for Woodward & Lothrop Washington, D. C."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of larvae, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 2 and 4, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to the National Zoological Park, for use as animal feed.

7360. Adulteration of cookies. U. S. v. 12 Boxes and 55 Boxes of Cookies. Default decree of condemnation and destruction. (F. D. C. No. 13712. Sample Nos. 68339-F, 68340-F.)

LIBEL FILED: September 22, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 28, 1944, by the Johnson Biscuit Co., Sioux City, Iowa.

PRODUCT: 12 12¼-ounce boxes and 55 11¼-ounce boxes of cookies at Toledo, Ohio.

LABEL, IN PART: "Fine Trolley Cookies Devils Delight [or "Honey Squares"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7361. Adulteration of cookies. U. S. v. 60 Cartons of Cookies. Default decree of condemnation and destruction. (F. D. C. No. 13188. Sample No. 75625-F.)

LIBEL FILED: August 8, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 15, 1944, by R. Zatal Foods, Inc., from Bronx, N. Y.

PRODUCT: 60 5-pound cartons of cookies at Pittsburgh, Pa.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 31, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7362. Adulteration of oatmeal cookies and vanilla wafers. U. S. v. 119 Caddies of Oatmeal Cookies, and 210 Caddies of Vanilla Wafers. Product ordered converted into animal feed or destroyed. (F. D. C. No. 14164. Sample Nos. 87368-F, 87373-F.)

LIBEL FILED: November 2, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about October 7 and 13, 1944, by the Manchester Biscuit Co., from Sioux Falls, S. Dak.

PRODUCT: 119 caddies, each containing approximately 8 pounds, of oatmeal cookies, and 210 caddies, each containing approximately 5 pounds, of vanilla wafers, at St. Paul, Minn.

LABEL, IN PART: (Portion) "Uncle Jim's Oatmeal Cookie."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of weevils, larvae, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On or about December 26, 1944. No claimant having appeared, the product was ordered converted into animal feed under the direction of the Food and Drug Administration, or otherwise destroyed.

7363. Adulteration of apple pies, French apple pies, and pie crust dough. U. S. v. Connecticut Pie Co. Plea of guilty. Fine \$1,000. (F. D. C. No. 14222. Sample Nos. 79533-F to 79535-F, incl.)

INFORMATION FILED: December 15, 1944, District of Columbia, against the Connecticut Pie Co., a corporation, Washington, D. C., charging that the defendant, on or about May 9 and 20, 1944, unlawfully manufactured within the District of Columbia, and unlawfully introduced into the commerce of the District of Columbia, a quantity of bakery products that were adulterated.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 15, 1944. A plea of guilty was entered on behalf of the defendant, and a fine of \$200 on each of 5 counts was imposed, for a total of \$1,000.

7364. Adulteration of wafers. U. S. v. United Biscuit Co. of America (the Merchants Biscuit Co., Division of United Biscuit Co. of America). Plea of nolo contendere. Fine, \$2,500. (F. D. C. No. 12606. Sample Nos. 41187-F, 60866-F, 69060-F, 69063-F, 69877-F.)

INFORMATION FILED: November 6, 1944, District of Colorado, against the United Biscuit Co. of America, a corporation, trading as the Merchants Biscuit Co., Division of United Biscuit Co. of America, at Denver, Colo.

ALLEGED SHIPMENT: On or about April 3 and 5, 1944, from the State of Colorado into the States of Texas and Nebraska.

LABEL, IN PART: "Supreme Salad Wafers (or "Ginger Snaps," or "Fig Bars")," "Salad Wafers," or "Vanilla Wafers * * * By Supreme Bakers."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of one or more of the following: Rodent hairs and hair fragments, hairs and hair fragments resembling rodent hairs, a hair fragment resembling a cat hair or other animal hair, insect fragments, and a feather fragment; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 23, 1944. A plea of nolo contendere was entered on behalf of the defendant, and a fine of \$500 on each of 5 counts was imposed, for a total of \$2,500.

CORN MEAL

7365. Adulteration of corn meal. U. S. v. Plymouth Cereal Mills. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 12590. Sample No. 40304-F.)

INFORMATION FILED: October 11, 1944, Northern District of Iowa, against the Plymouth Cereal Mills, a corporation, Le Mars, Iowa.

ALLEGED SHIPMENT: On or about December 8, 1943, from the State of Iowa into the State of South Dakota.

LABEL, IN PART: (Bags) "Plymouth Yellow Corn Meal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of rodent excreta fragments, rodent hairs, and insect fragments.

DISPOSITION: October 18, 1944. A plea of guilty was entered, and the defendant was fined \$100 and costs.

7366. Adulteration of corn meal. U. S. v. 208 Bags, 513 Bags, and 70 Bags of Corn Meal. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13730. Sample Nos. 89637-F, 89648-F, 89649-F.)

LIBEL FILED: September 27, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: On or about September 4 and 5, 1944, by the Neosho Milling Co., Neosho, Mo.

PRODUCT: 208 25-pound bags, 513 10-pound bags, and 70 5-pound bags of corn meal at Rogers, Ark.

LABEL, IN PART: "Queen Quality Brand White Cream Corn Meal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted whole or in part of filthy substances by reason of the presence of rodent excreta fragments and rodent hairs.

DISPOSITION: October 30, 1944. The Neosho Milling Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond, to be denatured under the supervision of the Food and Drug Administration.

7367. Adulteration of corn meal. U. S. v. 150 Bags of Corn Meal (and 2 other seizure actions against corn meal). Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 13846, 13847, 13948. Sample Nos. 61910-F, 63574-F, 63575-F.)

LIBELS FILED: October 4 and 13, 1944, Southern District of Georgia and Western District of Louisiana.

ALLEGED SHIPMENT: On or about July 24 and September 21, 1944, by the Illinois Cereal Mills, Inc., Paris, Ill.

PRODUCT: 342 100-pound bags of corn meal at Augusta, Ga., and 600 100-pound bags of corn meal at Eunice, La.

LABEL, IN PART: "Old Style Yellow Corn Meal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of rodent excreta, rodent hairs, weevils, larvae, and insect fragments.

DISPOSITION: October 28 and 30, and January 6, 1945. The C. D. Kenny Division of the Sprague-Warner Kenny Corporation, Augusta, Ga., having appeared as claimant for the Augusta lots, and the Illinois Cereal Mills having appeared as claimant for the Eunice lot, judgments of condemnation were entered and the product was ordered released under bond for use in the manufacture of animal feed, or other lawful disposition, under the supervision of the Federal Security Agency.

7368. Adulteration of corn meal. U. S. v. 58 Bags, 93 Bags, and 70 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 13725. Sample Nos. 89638-F, 89646-F, 89647-F.)

LIBEL FILED: September 27, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: On or about September 6, 1944, by the Norris Grain Co., Webb City, Mo.

PRODUCT: 58 25-pound bags, 93 10-pound bags, and 70 5-pound bags of corn meal at Fayetteville, Ark.

LABEL, IN PART: "Squirrel Cream Meal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments.

DISPOSITION: December 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7369. Adulteration of corn meal. U. S. v. 705 Bags and 600 Bags of Corn Meal. Consent decrees of condemnation. Products ordered released under bond for conversion into stock feed. (F. D. C. Nos. 13932, 13947. Sample Nos. 72486-F, 72490-F.)

LIBELS FILED: October 11 and 13, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about September 22 and 27, 1944, by the Earle Mill & Elevator Co., from Earle, Ark.

PRODUCT: 705 25-pound bags and 600 25-pound bags of white corn meal at Memphis, Tenn.

LABEL, IN PART: "Red Bud Cream Meal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments.

DISPOSITION: October 17, 1944. J. C. Cherry, trading as the Earle Mill & Elevator Co., Memphis, Tenn., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

7370. Adulteration of corn meal. U. S. v. 13 Bales of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 14156. Sample No. 81078-F.)

LIBEL FILED: October 28, 1944, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about August 19, 1944, by the Wall-Rogalsky Milling Co., from McPherson, Kans.

PRODUCT: 13 bales, each containing 10 5-pound bags, of corn meal, at Tulsa, Okla.

LABEL, IN PART: "Old Time White Corn Meal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments.

DISPOSITION: December 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7371. Adulteration of corn meal. U. S. v. 35 Bags and 29 Bags of Corn Meal. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13896. Sample Nos. 86944-F, 86945-F.)

LIBEL FILED: October 10, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 29 and July 20, 1944, by the Chas. A. Krause Milling Co., from Milwaukee, Wis.

PRODUCT: 64 100-pound bags of corn meal at Chicago, Ill.

LABEL, IN PART: "Americorn Cream Meal," or "Amer. Fine Yellow Cream Meal Made From Yellow Corn."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of weevils and larvae.

DISPOSITION: October 25, 1944. Hillman's, Inc., Chicago, Ill., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was denatured.

FLOUR

Nos. 7372 to 7399 and 7402 to 7438 report actions involving flour that was contaminated with one or more of the following types of filth: Insects, insect fragments, insect excreta, larvae, pupae, cast skins, webbing, rodent hairs and hair fragments, rodent excreta, and urine. (In those cases in which the time of contamination is known that fact is stated in the notice of judgment.) The flour reported in Nos. 7400 and 7401 failed to conform to the definition and standard for enriched flour.

7372. Adulteration of flour. U. S. v. 282 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13456. Sample No. 59876-F.)

LIBEL FILED: September 5, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 26, 1944, by the General Mills Co., from Kansas City, Mo.

PRODUCT: 282 100-pound bags of flour at Chicago, Ill.

LABEL, IN PART: "Bleached Flour Midcity Strongboy."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of beetles, larvae, and webbing.

DISPOSITION: October 17, 1944. The Mid-City Flour Co., Chicago, Ill., claimant, having admitted the facts in the libel, judgment of condemnation was entered

and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration.

7373. Adulteration of flour. U. S. v. 190 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 12737. Sample No. 61337-F.)

LIBEL FILED: June 22, 1944, Western District of Louisiana.

ALLEGED SHIPMENT: On or about April 1, 1944, by the Kansas Milling Co., Wichita, Kans.

PRODUCT: 112 sacks, each containing 25 pounds, and 78 sacks, each containing 40 pounds, of flour at Shreveport, La.

LABEL, IN PART: "Enriched Silk Floss Finest Short Patent Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of beetles, larvae, pupae, and insect fragments.

DISPOSITION: October 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7374. Adulteration of flour. U. S. v. 810 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13687. Sample No. 90311-F.)

LIBEL FILED: On or about September 18, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about June 26, 1944, by the Wolff Milling Co., from New Haven, Mo.

PRODUCT: 810 25-pound bags of flour at Patterson, Ark.

Examination showed that the article contained weevils, larvae, pupae, and cast skins.

LABEL, IN PART: "Bleached Flour Enriched Upper Ten Extra High Patent."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: October 9, 1944. The Burton Grocery Co., Patterson, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration.

7375. Adulteration of flour. U. S. v. 355 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13270. Sample Nos. 89952-F to 89955-F, incl.)

LIBEL FILED: On or about August 18, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about February 9 and April 20, 1944, by the Stafford County Flour Mills Co., from Hudson, Kans.

PRODUCT: 180 48-pound bags, 75 25-pound bags, and 100 5-pound bags of flour at Lamar, Mo.

LABEL, IN PART: "Hudson Cream Flour," or "Hudson Cream Flour Bleached * * * Short Patent."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of larvae, weevils, and insect fragments.

DISPOSITION: September 15, 1944. N. B. Elam, Lamar, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the good from the bad portion, under the supervision of the Food and Drug Administration.

7376. Adulteration of flour. U. S. v. 250 Bags and 125 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13759. Sample No. 80125-F.)

LIBEL FILED: September 27, 1944, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about May 10 and July 17, 1944, by the Midland Flour Milling Co., Kansas City, Mo.

PRODUCT: 250 25-pound bags and 125 50-pound bags of flour at Centralia, Ill.

LABEL, IN PART: "Blue Ribbon Enriched Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of weevils, larvae, cast skins, and insect fragments.

DISPOSITION: October 3, 1944. Goodale & Co., Centralia, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into hog feed, under the supervision of the Food and Drug Administration.

7377. Adulteration of flour. U. S. v. 40 Bags, 24 Bags, and 41 Bags of Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 13261, 13264. Sample Nos. 89923-F, 89924-F, 89926-F.)

LIBEL FILED: August 18, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: On or about March 1 and June 15, 1944, by the Blair Milling Co., Atchison, Kans.

PRODUCT: 81 24-pound bags and 24 48-pound bags of flour at Fayetteville, Ark.

LABEL, IN PART: "Bleached Blairs Best Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of larvae, pupae, cast skins, and insect fragments, and was unfit for human consumption.

DISPOSITION: December 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On January 2, 1945, the McCord Wholesale Grocery Co., Fayetteville, Ark., having appeared as claimant, an amended decree was entered ordering the product released under bond to be denatured under the supervision of the Federal Security Agency.

7378. Adulteration of flour. U. S. v. 13 Bags, 12 Bags, 33 Bags, and 65 Bags of Flour. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 13228, 13521. Sample Nos. 54646-F, 75394-F.)

LIBELS FILED: August 15 and September 11, 1944, Western District of Pennsylvania and Northern District of Illinois.

ALLEGED SHIPMENT: On or about December 18, 1943, and July 15, 1944, by the Cannon Valley Milling Co., from Cannon Falls, and Minneapolis, Minn.

PRODUCT: 13 100-pound bags, 12 50-pound bags, and 33 25-pound bags of flour at Canonsburg, Pa.; and 65 100-pound bags of flour at Chicago, Ill.

LABEL, IN PART: "High Gluten Invader Patent Flour Bleached," or "All Gold All Purpose Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of insects, insect fragments, beetles, and larvae.

DISPOSITION: September 29 and November 6, 1944. Rosen's Bakery, Chicago, Ill., claimant for the Chicago lot, and I. D. Caplan, trading as Canonsburg Feed & Supply Co., Canonsburg, Pa., claimant for the Canonsburg lot, having admitted the allegations of the respective libels, judgments of condemnation were entered and the product was ordered released under bond to be used for animal feed, under the supervision of the Food and Drug Administration.

7379. Adulteration of flour. U. S. v. 80 Sacks and 102 Sacks of Flour. Default decree of condemnation. Product ordered delivered to a charitable institution, for use as animal feed. (F. D. C. No. 13488. Sample Nos. 90293-F, 90294-F.)

LIBEL FILED: September 1, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about March 22 and May 13, 1944, by the Shawnee Milling Co., from Shawnee, Okla.

PRODUCT: 80 50-pound sacks and 102 25-pound sacks of flour at Monticello, Ark.

LABEL, IN PART: "Bleached Shawnee's Best Extra Fancy Patent Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances, since it contained weevils, larvae, and insect fragments.

DISPOSITION: October 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for use as animal feed.

7380. Adulteration of flour. U. S. v. 107 Bags of Flour (and 1 other seizure action against flour). Decrees of condemnation. Portion of product ordered released under bond; remainder ordered delivered to a State institution, for use as animal feed. (F. D. C. Nos. 13686, 13757. Sample Nos. 90308-F, 90309-F, 90316-F.)

LIBELS FILED: September 13 and 29, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about March 30 and 31, 1944, by the Ismert Hincke Milling Co., from Topeka, Kans.

PRODUCT: 107 50-pound bags of flour at DeWitt, Ark., and 68 50-pound bags and 119 25-pound bags of flour at Pine Bluff, Ark.

Examination showed that the product contained weevils, larvae, pupae, and cast skins.

LABEL, IN PART: "Mrs. Rodney's Best Bleached Flour," or "White Dough A Fine Patent Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: October 9, 1944. The Rousseau Grocery Co., DeWitt, Ark., claimant for the DeWitt lot, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration. No claimant having appeared for the remaining lot, judgment of condemnation was entered and the product was ordered delivered to a State institution, for use as animal feed.

7381. Adulteration of flour. U. S. v. 24 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13898. Sample No. 86947-F.)

LIBEL FILED: On or about October 12, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 2, 1944, by the Tennant & Hoyt Co., from Lake City, Minn.

PRODUCT: 24 100-pound bags of flour at Chicago, Ill.

LABEL, IN PART: "Bleached Golden Loaf Special Short Patent Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of weevils and larvae.

DISPOSITION: October 25, 1944. Hillman's, Inc., Chicago, Ill., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was denatured.

7382. Adulteration of flour. U. S. v. 10 Barrels of Flour. Default decree of condemnation. Product ordered sold. (F. D. C. No. 13180. Sample No. 72587-F.)

LIBEL FILED: August 7, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about June 5, 1944, by the H. H. King Flour Mills Co., from Faribault, Minn.

PRODUCT: 10 225-pound barrels of flour at Memphis, Tenn.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of larvae, pupae, and insect fragments.

DISPOSITION: January 8, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, under the direction of the Federal Security Agency, to be denatured so that it could not be disposed of for human consumption.

7383. Adulteration of flour. U. S. v. 12 Bags of Flour. Default decree of destruction. (F. D. C. No. 13786. Sample No. 59000-F.)

LIBEL FILED: September 13, 1944, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about January 30, 1944, by the Pillsbury Flour Mills Co., from Springfield, Ill.

PRODUCT: 12 100-pound bags of flour at Richmond, Va.

LABEL, IN PART: "Pillsbury's Best Enriched Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments, beetles, larvae, and insect fragments.

DISPOSITION: September 30, 1944. No claimant having appeared, judgment was entered ordering the product destroyed.

7384. Adulteration of flour. U. S. v. 88 Sacks of Flour. Default decree of condemnation. Product ordered delivered to a public institution, for use as animal feed. (F. D. C. No. 14478. Sample No. 90130-F.)

LIBEL FILED: November 15, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about March 13, 1944, by the Riverview Mills Co., from Topeka, Kans.

PRODUCT: 88 50-pound sacks of flour at Conway, Ark.

LABEL, IN PART: "Lovely Lady, A Fine Patent Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: December 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

7385. Adulteration of flour. U. S. v. 56 Bags of Flour. Default decree of condemnation. Product ordered delivered to a public institution, for use as animal feed. (F. D. C. No. 14476. Sample No. 90129-F.)

LIBEL FILED: November 15, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about April 14, 1944, by the Thomas Page Milling Co., from Topeka, Kans.

PRODUCT: 56 50-pound bags of flour at Morrilton, Ark.

LABEL, IN PART: "Page's Banquet Enriched Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: December 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

7386. Adulteration of flour. U. S. v. 106 Bags of Flour. Default decree of condemnation. Product ordered sold for purposes other than human consumption. (F. D. C. No. 14138. Sample No. 99008-F.)

LIBEL FILED: October 27, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 4 and March 25, 1944, by the Atkinson Milling Co., from Minneapolis, Minn.

PRODUCT: 106 100-pound bags of flour at St. Louis, Mo.

LABEL, IN PART: "Strongheart Spring Wheat Clear Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: December 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, under the direction of the Federal Security Agency, for purposes other than human consumption.

7387. Adulteration of flour. U. S. v. 400 Sacks and 142 Sacks of Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13499. Sample Nos. 90282-F, 90283-F.)

LIBEL FILED: September 5, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: On or about April 26 and July 6, 1944, by the Slater Mill & Elevator Co., Slater, Mo.

PRODUCT: 542 25-pound sacks of flour at Camden, Ark.

LABEL, IN PART: "Menu High Patent Flour Enriched Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of larvae, pupae, and cast skins.

DISPOSITION: October 12, 1944. The Ritchie Grocery Co., Camden, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured, under the supervision of the Food and Drug Administration, so that it could not be disposed of for human consumption. It was mixed with another ingredient and released for use in animal feed.

7388. Adulteration of flour. U. S. v. 175 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for conversion into animal feed. (F. D. C. No. 13523. Sample No. 54645-F.)

LIBEL FILED: September 12, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 7, 1944, by the Empire Milling Co., from Minneapolis, Minn.

PRODUCT: 175 100-pound bags of flour at Chicago, Ill.

LABEL, IN PART: "Great Caesar Fancy First Clear Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of beetles and larvae.

DISPOSITION: October 4, 1944. Rosen's Bakery, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into animal feed, under the supervision of the Food and Drug Administration.

7389. Adulteration of flour. U. S. v. 20 Bags and 225 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 13468, 13469. Sample Nos. 90224-F to 90228-F, incl.)

LIBELS FILED: August 31, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 2 and May 3, 1944, by the Arnold Milling Co., from Sterling, Kans.

PRODUCT: 44 25-pound bags, 71 50-pound bags, and 130 100-pound bags of flour at St. Louis, Mo.

LABEL, IN PART: "Thoro-Bread Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: October 11, 1944. The Arnold Milling Co., Hutchinson, Kans., claimant, having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond for conversion into animal feed, under the supervision of the Food and Drug Administration.

7390. Adulteration of flour. U. S. v. 185 Bags of Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13916. Sample No. 59940-F.)

LIBEL FILED: October 6, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about June 28, 1944, by the W. J. Jennison Co., from Appleton, Minn.

PRODUCT: 185 100-pound bags of flour at Milwaukee, Wis.

LABEL, IN PART: "Bleached Encore Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of beetles and larvae.

DISPOSITION: October 24, 1944. The Hahn Baking Co., Milwaukee, Wis., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration.

7391. Adulteration of flour. U. S. v. 448 Bags of Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13917. Sample No. 59941-F.)

LIBEL FILED: October 6, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about August 7, 1944, by the North Dakota Mill & Elevator Co., Grand Forks, N. Dak.

PRODUCT: 448 bags, each containing 100 pounds, of flour at Milwaukee, Wis.

LABEL, IN PART: "Dakota Pride."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of beetles and larvae.

DISPOSITION: October 24, 1944. The Hahn Baking Co., Milwaukee, Wis., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration.

7392. Adulteration of flour. U. S. v. 64 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13458. Sample No. 59874-F.)

LABEL FILED: On or about September 7, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 11, 1944, by the Texas Star Flour Mills, from Dallas, Tex.

PRODUCT: 64 100-pound bags of flour at Chicago, Ill.

LABEL, IN PART: "Capitana (C) Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of beetles, larvae, cast skins, and webbing.

DISPOSITION: October 17, 1944. The E. S. Wagner Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

7393. Adulteration of flour. U. S. v. 20 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 11842. Sample No. 29996-F.)

LABEL FILED: February 18, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about May 21, 1943, from Portland, Oreg.

PRODUCT: 20 98-pound bags of flour at San Francisco, Calif., in the possession of the Workman Packing Co.

The product was stored under insanitary conditions after shipment. The bags had been chewed by rodents, and examination of samples showed that the flour contained rodent hairs, larvae, insect excreta, and webbing.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7394. Adulteration of flour. U. S. v. 168 Bags of Flour. Default decree of forfeiture. Product ordered delivered to a charitable institution, for use as animal feed. (F. D. C. No. 13487. Sample No. 58996-F.)

LABEL FILED: On or about September 5, 1944, Western District of Virginia.

ALLEGED SHIPMENT: On or about May 5, 1943, from Akron, Ohio.

PRODUCT: 8 24½-pound bags and 160 12-pound bags of flour at Lynchburg, Va., in the possession of the Virginia Carolina Wholesale Co.

This product had been stored, after shipment, under insanitary conditions. The bags were rodent-gnawed, and rodent excreta and urine stains were observed on the bags. Examination showed that the product contained rodent hair and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 22, 1944. No claimant having appeared, judgment of forfeiture was entered and the product was ordered delivered to a charitable institution, for use as animal feed.

7395. Adulteration of flour. U. S. v. 249 Sacks of Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13052. Sample No. 58971-F.)

LABEL FILED: On or about July 26, 1944, Western District of Virginia.

ALLEGED SHIPMENT: Between the approximate dates of January 1 and April 25, 1944, from Springfield, Ill.

PRODUCT: 249 100-pound sacks of flour at Roanoke, Va., in the possession of Huff & Cook, Inc.

The product was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and contained urine stains and rodent pellets. Examination showed that the article contained rodent urine, rodent excreta, rodent hair fragments, larvae, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 8, 1944. The Pillsbury Flour Mills Co., Minneapolis, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured under the supervision of the Food and Drug Administration.

7396. Adulteration of flour. U. S. v. 100 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13518. Sample No. 78920-F.)

LIBEL FILED: September 6, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about June 8, 1944, from Hastings, Minn.

PRODUCT: 100 100-pound bags of flour at Milwaukee, Wis., in the possession of the King Midas Mill Co.

This product had been stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and urine stains were observed on them. Examination showed that the article contained rodent excreta, beetles, and larvae.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 12, 1944. The King Midas Mill Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured and disposed of for industrial use only, under the supervision of the Food and Drug Administration.

7397. Adulteration of bromated flour. U. S. v. 66 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13517. Sample No. 78918-F.)

LIBEL FILED: September 6, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about April 20 and May 25, 1944, by the B. A. Eckhart Milling Co., from Proviso, Ill.

PRODUCT: 66 100-pound bags of flour at Milwaukee, Wis.

LABEL, IN PART: (Bags) "High Gluten Hearth Flour Bleached Bromated."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of beetles and larvae.

DISPOSITION: October 13, 1944. The B. A. Eckhart Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration. Denaturing was accomplished by mixing the product with another ingredient.

7398. Adulteration of bromated flour and plain flour. U. S. v. 76 Bags and 230 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13955. Sample Nos. 78940-F, 78941-F.)

LIBEL FILED: October 20, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 7 and May 25, 1944, from Kansas City, Kans., and on or about May 31, 1944, from Minneapolis, Minn., by the Standard Milling Co.

PRODUCT: 306 100-pound bags of flour at Chicago, Ill.

LABEL, IN PART: "Uno High Gluten Flour Bleached Bromated," or "Uno Fancy Clear Flour * * * Ble."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: November 9, 1944. Louis Smoler & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging under the supervision of the Food and Drug Administration. It was converted into animal feed.

7399. Adulteration of corn flour. U. S. v. 154 Bags of Corn Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13224. Sample No. 87607-F.)

LIBEL FILED: August 12, 1944, Northern District of Iowa.

ALLEGED SHIPMENT: On or about November 20, 1943, by the Forbes Brothers Central Mills, from Topeka, Kans.

PRODUCT: 154 100-pound bags of corn flour at Sioux City, Iowa.

LABEL, IN PART: "4-B Special Yellow Corn Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: September 8, 1944. The Tolerton & Warfield Co., Sioux City, Iowa, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The product was denatured.

7400. Adulteration and misbranding of enriched flour. U. S. v. 63 Bales of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13739. Sample No. 87252-F.)

LIBEL FILED: September 27, 1944, Northern District of Iowa.

ALLEGED SHIPMENT: On or about August 15, 1944, by the Moore Lowry Flour Mills Co., from Coffeyville, Kans.

PRODUCT: 63 bales, each containing 10 5-pound packages, of enriched flour at Waterloo, Iowa.

LABEL, IN PART: "Union Mill Company Clear Quill Fancy Patent Enriched Flour Bleached."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, thiamine (vitamin B₁) and iron, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since the definition and standard requires that the article should contain in each pound not less than 2.0 milligrams of thiamine and not less than 13.0 milligrams of iron, whereas the article contained approximately 1.34 milligrams of thiamine and 11.4 milligrams of iron per pound.

DISPOSITION: October 6, 1944. The Waterloo Mills Co., Waterloo, Iowa, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was denatured for use as stock feed.

7401. Adulteration and misbranding of enriched flour. U. S. v. 350 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14190. Sample No. 68744-F.)

LIBEL FILED: November 6, 1944, Southern District of Indiana.

ALLEGED SHIPMENT: On or about August 7, 1944, by the Valier & Spies Milling Co., from East St. Louis, Ill.

PRODUCT: 350 25-pound bags of enriched flour at Milan, Ind.

LABEL, IN PART: "25 Lbs. Valier's Enterprise Flour Vitamin and Mineral Enriched Flour Bleached."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted from the product.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity prescribed by the regulations, which require

that enriched flour shall contain in each pound not less than 2.0 milligrams of thiamine, whereas the product contained only approximately 1.48 milligrams of thiamine per pound.

DISPOSITION: December 5, 1944. The Flour Mills of America, Inc., trading as the Valier & Spies Milling Co., claimant, having admitted the adulteration and misbranding charges, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7402. Adulteration of pastry flour. U. S. v. 198 Bags of Pastry Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13897. Sample No. 86946-F.)

LIBEL FILED: On or about October 12, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 22, 1944, by the Spokane Flour Mills Co., from Spokane, Wash.

PRODUCT: 198 100-pound bags of pastry flour at Chicago, Ill.

LABEL, IN PART: "Golden Harvest Pie Unbleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of weevils and larvae.

DISPOSITION: October 25, 1944. Hillman's, Inc., Chicago, Ill., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was denatured.

7403. Adulteration of pastry flour. U. S. v. 200 Bags of Pastry Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13767. Sample No. 59883-F.)

LIBEL FILED: October 5, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 2, 1944, by the Collins Flour Mills, Inc., from Pendleton, Oreg.

PRODUCT: 200 100-pound bags of pastry flour at Chicago, Ill.

LABEL, IN PART: "Collins Pastry Flour Unbleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of beetles and larvae.

DISPOSITION: October 16, 1944. H. C. Meining, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

7404. Adulteration of pastry flour. U. S. v. 60 Bags and 51 Bags of Cake Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13448. Sample Nos. 59869-F, 59870-F.)

LIBEL FILED: On or about September 2, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 14 and April 6, 1944, by the Standard Milling Co., from Kansas City, Mo.

PRODUCT: 111 100-pound bags of cake flour at Chicago, Ill.

LABEL, IN PART: "Finetex Cake Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of weevils and larvae.

DISPOSITION: October 18, 1944. The Standard Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

7405. Adulteration of pastry and biscuit phosphated flour. U. S. v. 59 Sacks of Flour. Default decree of condemnation. Product ordered delivered to a public institution, for use as animal feed. (F. D. C. No. 13952. Sample No. 90330-F.)

LIBEL FILED: October 13, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about May 13, 1944, by the Buhler Mill & Elevator Co., from Buhler, Kans.

PRODUCT: 59 50-pound sacks of flour at Little Rock, Ark.

LABEL, IN PART: "King Biscuit The King of Flours Fancy Pastry & Biscuit Phosphated Bleached Flour White."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: November 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

7406. Adulteration of pastry flour and plain flour. U. S. v. 146 Bags of Cake Flour, and 140 Bags and 1,033 Bags of Plain Flour. Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 13735. Sample Nos. 54658-F, 54659-F, 59879-F.)

LIBEL FILED: September 27, 1944, Northern District of Indiana.

ALLEGED SHIPMENT: On or about September 16, 1944, by Goldblatt Bros., Inc., Chicago, Ill.

PRODUCT: 146 100-pound bags of cake flour and 1,173 100-pound bags of plain flour at Hammond, Ind.

LABEL, IN PART: "Optima The Best Extra Fancy Cake Flour Bleached," or "Ceresota Super Flour Bleached," or "Cerenia Roller Process Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent excreta, weevils, and larvae.

DISPOSITION: October 24, 1944. Donald D. Houlihan, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration.

7407. Adulteration of pastry flour, plain flour, and rye flour. U. S. v. 5 Bags and 52 Bags of Plain Flour, 1 Bag of Cake Flour, and 12 Bags of Rye Flour. Default decree of condemnation. Product ordered delivered to the National Zoological Park. (F. D. C. No. 12338. Sample Nos. 79514-F to 79517-F, incl.)

LIBEL FILED: May 10, 1944, District of Columbia.

PRODUCT: 57 100-pound bags of plain flour, 1 100-pound bag of cake flour, and 12 100-pound bags of rye flour at Washington, D. C., in the possession of J. E. Dyer & Co.

The flour had been stored under insanitary conditions. Many of the bags had been gnawed by rodents, and contained rodent excreta and urine stains. Examination of samples showed that the product contained rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: October 16, 1944. The sole intervenor having withdrawn its claim and answer, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park.

7408. Adulteration of pastry flour and plain flour. U. S. v. 432 Sacks and 365 Sacks of Flour. Consent decree of condemnation. Products ordered released under bond. (F. D. C. Nos. 14099, 14100. Sample Nos. 68741-F, 68742-F.)

LIBELS FILED: October 21, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 29, 1943, and April 5, 1944, from Spokane, Wash., and The Dalles, Oreg.

PRODUCT: 432 100-pound sacks and 365 100-pound sacks of flour at Springfield, Ohio, in the possession of the Whiteway Bakeries.

The products were stored, after shipment, under insanitary conditions. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on the bags. Examination showed that the products contained weevils, larvae, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 1, 1944. Lloyd Burnett, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond for conversion into stock feed by mixing with other ingredients, under the supervision of the Food and Drug Administration.

7409. Adulteration of pastry flour. U. S. v. 799 Bags of Pie Flour. Decree ordering product released under bond. (F. D. C. No. 12634. Sample No. 60053-F.)

LIBEL FILED: June 6, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about January 26, 1944, from Seattle, Wash.

PRODUCT: 799 100-pound bags of pie flour at San Francisco, Calif., in the possession of the Southern Pacific Warehouse of the Haslett Warehouse Co.

The product had been stored under insanitary conditions after shipment. Some of the bags had been chewed by rodents, and contained urine stains. Examination of samples showed that the product contained rodent excreta; rodent hairs, and insects.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 21, 1944. The Haslett Warehouse Co. having appeared as claimant, judgment was entered ordering the product released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7410. Adulteration of phosphated flour. U. S. v. 232 Sacks of Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13496. Sample No. 90289-F.)

LIBEL FILED: September 5, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: On or about May 18, 1944, by the Newton Milling Co., Kansas City, Mo.

PRODUCT: 232 5-pound sacks of flour at Warren, Ark.

This product contained weevils, larvae, and insect fragments.

LABEL, IN PART: "Bleached Newton's Fidelity Flour Phosphated."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, and was unfit for human consumption.

DISPOSITION: October 12, 1944. The Dermott Grocery & Commission Co., Warren, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration. The product was mixed with other ingredients and released for use as animal feed.

7411. Adulteration of phosphated flour. U. S. v. 54 Sacks of Flour. Default decree of condemnation. Product ordered delivered to a public institution, for use as animal feed. (F. D. C. No. 13490. Sample No. 90292.)

LIBEL FILED: September 1, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about April 10, 1944, by the Walnut Creek Milling Co., from Great Bend, Kans.

PRODUCT: 54 50-pound sacks of flour at Monticello, Ark.

LABEL, IN PART: "Downy White Bleached Phosphated Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances since it contained larvae, pupae, cast skins, and insect fragments.

DISPOSITION: October 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

7412. Adulteration of phosphated flour. U. S. v. 173 Bags of Flour. Default decree of condemnation. Product ordered delivered to a public institution, for use as animal feed. (F. D. C. No. 14477. Sample No. 90131-F.)

LIBEL FILED: November 15, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about May 9, 1944, by the Robinson Milling Co., from Salina, Kans.

PRODUCT: 173 50-pound bags of flour at Conway, Ark.

LABEL, IN PART: "Robin's Best Phosphated Flour Bleached Fancy Short Patent."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: December 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

7413. Adulteration of phosphated flour and plain flour. U. S. v. 244 Bags of Phosphated Flour, and 49 Bags and 222 Bags of Plain Flour. Decrees of condemnation. Two lots ordered released under bond; remaining lot ordered sold for use as animal feed. (F. D. C. Nos. 12864, 13450, 13729. Sample Nos. 80265-F, 80266-F, 80597-F, 80598-F, 87253-F.)

LIBELS FILED: Between July 5 and September 27, 1944, Eastern District of Arkansas, Southern and Northern Districts of Iowa.

ALLEGED SHIPMENT: From on or about December 24, 1943, to July 17, 1944, by the Western Star Mill Co., from Salina, Kans.

PRODUCT: 244 50-pound bags of phosphated flour at Fordyce, Ark., 49 50-pound bags of plain flour at Cedar Rapids, Iowa; and 222 49-pound bags of plain flour at Des Moines, Iowa.

Examination showed that the products contained insects, larvae, pupae, insect fragments, and cast skins.

LABEL, IN PART: "Fairy Flake Phosphated Flour Bleached," "Jersey Cream Bleached Enriched Flour," or "Baker's Best Flour Bleached Packed Expressly For Baker's Food Markets Harlan & Walnut, Iowa."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances.

DISPOSITION: August 24 and September 29, 1944. The Iowa Flour Co., Des Moines, Iowa, and Robert H. Mays, Fordyce, Ark., having appeared as claimants for the Des Moines and Fordyce lots, respectively, and having consented to the entry of decrees, judgments of condemnation were entered and the product in those lots was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. It was denatured for use as hog feed.

October 24, 1944. No claimant having appeared for the Cedar Rapids lot, judgment of condemnation was entered and the product was ordered sold to be denatured or used as animal feed, under the supervision of the United States marshal.

7414. Adulteration of phosphated flour and plain flour. U. S. v. 80 Sacks, 80 Sacks, and 14 Sacks of Flour. Default decree of condemnation and destruction. Product ordered delivered to a Federal institution. (F. D. C. No. 13206. Sample Nos. 80567-F to 80569-F, incl.)

LIBEL FILED: August 9, 1944, Western District of Arkansas; amended libel filed November 21, 1944.

ALLEGED SHIPMENT: Between the dates of December 23, 1943, and June 20, 1944, by the Canadian Mill and Elevator Co., El Reno, Okla.

PRODUCT: 160 25-pound sacks, and 14 50-pound sacks of flour at Texarkana, Ark.

LABEL, IN PART: "Canna * * * Fancy All Purpose Family [or "Phosphated"] Flour Bleached," or "Canadian's Best Family Flour Short Patent Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances, larvae, cast skins, and insect fragments.

DISPOSITION: November 23, 1944. The consignee having withdrawn its answer to the libel, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as animal feed.

7415. Adulteration of phosphated flour and plain flour. U. S. v. 109 Bags and 124 Bags of Flour. Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 13653, 14165. Sample Nos. 90124-F, 90298-F.)

LIBELS FILED: September 11 and November 1, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: On or about November 20, 1943, and February 22, 1944, by the J. C. Lysle Milling Co., Leavenworth, Kans.

PRODUCT: 109 25-pound bags of flour at Portland, Ark., and 124 50-pound bags of flour at Paris, Ark.

LABEL, IN PART: "Bleached White Shield Flour Quality Extra High Patent Phosphated," or "Bleached White Eagle Extra High Patent Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances, weevils, larvae, insect fragments, and cast skins.

DISPOSITION: October 6, 1944, and January 15, 1945. J. W. Pugh, Portland, Ark., and the Gordon Hixson Wholesale Grocer Co., Paris, Ark., having appeared as claimants for the lots at Portland and Paris, respectively, judgments of condemnation were entered and the product was ordered released under bond to be denatured, under the supervision of the Food and Drug Administration, so that it could not be disposed of for human consumption.

7416. Adulteration of phosphated flour and self-rising flour. U. S. v. 68 Bags and 85 Bags of Phosphated Flour, and 40 Bags and 55 Bags of Self-Rising Flour. Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 13749. Sample Nos. 89832-F to 89834-F, incl.)

LIBEL FILED: October 2, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: From on or about March 1 to July 9, 1944, by Abilene Flour Mills Co., from Abilene, Kans.

PRODUCT: 68 25-pound bags, and 85 10-pound bags of phosphated flour, and 40 48-pound bags and 55 25-pound bags of self-rising flour, at Memphis, Tenn.

LABEL, IN PART: "Red Goose Phosphated Bleached Flour," "Abilene Rose Bleached Flour Self-Rising," or "Lite Flake Self-Rising Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of beetles and larvae.

DISPOSITION: October 24, 1944. W. B. Mallory & Sons Co., Memphis, Tenn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be used for purposes other than human consumption, under the supervision of the Federal Security Agency.

7417. Adulteration of rice flour. U. S. v. 45 Bags of Rice Flour. Default decree of condemnation. Product ordered sold to the highest bidder. (F. D. C. No. 13172. Sample No. 80276-F.)

LIBEL FILED: August 5, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 13, 1943, by the Stein-Hall Manufacturing Co., from Chicago, Ill.; and on about November 18, 1943, by the Champion Rice Mills, from Memphis, Tenn.

PRODUCT: 45 bags, each containing 100 pounds, of rice flour at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and larvae.

DISPOSITION: October 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold and delivered by the United States marshal to the highest bidder, for disposition in compliance with the law.

7418. Adulteration of rice flour. U. S. v. 260 Bags of Rice Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13689. Sample No. 68497-F.)

LIBEL FILED: September 13, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 15, 1944, by the C. E. Grosjean Rice Milling Co., San Francisco, Calif.

PRODUCT: 260 100-pound bags of rice flour at Cincinnati, Ohio.

LABEL, IN PART: "Snow White Brand California Rice Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: October 5, 1944. The Hudepohl Brewing Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as stock feed, under the supervision of the Food and Drug Administration.

7419. Adulteration of rye flour. U. S. v. 7 Bags and 48 Bags of Rye Flour. Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 13082, 13694. Sample Nos. 59877-F, 68058-F.)

LIBELS FILED: On or about August 2 and September 26, 1944, Southern District of Ohio and Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 2 and July 8, 1944, by the Globe Milling Co., Watertown, Wis.

PRODUCT: 7 100-pound bags of rye flour at Cincinnati, Ohio., and 48 100-pound bags of rye flour at Chicago, Ill.

LABEL, IN PART: (Portion) "Robin Hood Medium Rye Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, cast skins, and insect fragments.

DISPOSITION: August 30, 1944. No claimant having appeared for the Cincinnati lot, judgment of condemnation was entered and the product was ordered destroyed. On October 9, 1944, the International Milling Co., New Prague, Minn., claimant for the Chicago lot, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into animal feed, under the supervision of the Food and Drug Administration.

7420. Adulteration of rye flour. U. S. v. 62 Bags of Rye Flour. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 13386. Sample No. 82711-F.)

LIBEL FILED: On or about August 28, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about May 29, 1944, by the Century Milling Co., New Ulm, Minn.

PRODUCT: 62 100-pound bags of rye flour at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, larvae, and insect fragments.

DISPOSITION: September 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal correctional institution. The flour was used for hog feed.

7421. Adulteration of rye flour. U. S. v. 463 Bags of Rye Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13223. Sample No. 87606-F.)

LIBEL FILED: August 12, 1944, Northern District of Iowa.

ALLEGED SHIPMENT: On or about October 1 and November 19, 1943, by the Pillsbury Flour Mills Co., from Minneapolis, Minn.

PRODUCT: 463 100-pound bags of rye flour at Sioux City, Iowa.

LABEL, IN PART: "Pillsbury's Pure Special White Rye Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: September 8, 1944. The Tolerton & Warfield Co., Sioux City, Iowa, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The product was denatured.

7422. Adulteration of rye flour and plain flour. U. S. v. 34 Bags of Rye Flour and 29 Sacks of Plain Flour. Decrees of condemnation. Products ordered destroyed. (F. D. C. Nos. 13349, 13646. Sample Nos. 35299-F, 54649-F.)

LIBELS FILED: From on or about August 22 to September 22, 1944, Southern District of Florida and Northern District of Illinois.

ALLEGED SHIPMENT: From on or about May 17 to June 27, 1944, by the Eagle Roller Mill Co., from New Ulm, Minn.

PRODUCT: 29 100-pound sacks of plain flour at Tampa, Fla., and 34 100-pound bags of rye flour at Chicago, Ill.

LABEL, IN PART: "Gold Coin 'The Dependable Flour' Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of beetles, insects, larvae, and webbing.

DISPOSITION: October 5 and 18, 1944. No claimant having appeared for the Tampa lot, and the consignee of the Chicago lot having consented to the destruction of the product, judgments of condemnation were entered and the products were ordered destroyed.

7423. Adulteration of self-rising flour. U. S. v. 107 Bags and 142 Bags of Self-Rising Flour. Default decree of condemnation and destruction. (F. D. C. No. 13249. Sample Nos. 60994-F, 60995-F.)

LIBEL FILED: On or about August 18, 1944, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about February 9, 1944, from Nashville, Tenn.

PRODUCT: 107 25-pound bags and 142 10-pound bags of self-rising flour at Meridian, Miss., in the possession of the Southern Feed and Grocery Co.

The article was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets were observed on them. Examination showed that the article contained weevils and larvae.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7424. Adulteration of self-rising flour. U. S. v. 50 Bags of Self-Rising Flour. Default decree of condemnation and destruction. (F. D. C. No. 13050. Sample No. 64009-F.)

LIBEL FILED: July 24, 1944, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about April 18 and May 4 and 22, 1944, by Ballard & Ballard Co., from Louisville, Ky.

PRODUCT: 50 bags, each containing 50 pounds, of self-rising flour at Lake City, S. C.

LABEL, IN PART: "Sunset Enriched Self-Rising Flour Bleached * * * O. K. Mills Louisville Kentucky."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: October 24, 1944. No claimant having appeared, judgment of condemnation was entered the product was ordered destroyed.

7425. Adulteration of self-rising flour. U. S. v. 18 Bags of Flour. Default decree of condemnation. Product ordered sold. (F. D. C. No. 13014. Sample No. 72574-F.)

LIBEL FILED: July 26, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about April 6, 1944, by the Fredericktown Milling Co., from Fredericktown, Mo.

PRODUCT: 18 100-pound bags of flour at Memphis, Tenn.

LABEL, IN PART: (Bags) "Bleached White Fairy Self-Rising Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of insects and insect fragments.

DISPOSITION: January 18, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, under the direc-

tion of the Federal Security Agency, for technical purposes only, after denaturing so that it could not be used for human or animal consumption.

7426. Adulteration of self-rising flour. U. S. v. 167 Sacks of Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13515. Sample No. 90304-F.)

LIBEL FILED: September 5, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about May 4, 1944, by the Fort Collins Milling Co., from Fort Collins, Colo.

PRODUCT: 167 25-pound sacks of flour at Pine Bluff, Ark.

LABEL, IN PART: "Bleached Pike's Peak Self Rising Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, larvae, pupae, and cast skins.

DISPOSITION: October 9, 1944. The Ritchie Grocer Co., Pine Bluff, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured and brought into compliance with the law, under the supervision of the Food and Drug Administration.

7427. Adulteration of self-rising, phosphated, and plain flour. U. S. v. 16 Sacks of Self Rising, Phosphated, and Plain Flour (and 1 other seizure action against flour). Consent decrees of condemnation. Products ordered released under bond. (F. D. C. Nos. 13011, 13207. Sample Nos. 80529-F, 80561-F to 80565-F, incl.)

LIBELS FILED: July 24 and August 9, 1944, Eastern and Western Districts of Arkansas.

ALLEGED SHIPMENT: Between the approximate dates of December 10, 1943, and June 29, 1944, by the Quaker Oats Co., from St. Joseph, Mo.

PRODUCT: Flour: 16 50-pound sacks at Helena, Ark.; and 135 25-pound sacks and 54 50-pound sacks at Texarkana, Ark.

LABEL, IN PART: "Mother's Enriched Phosphated [or "Self Rising"] Flour Bleached," "Southern Beauty Highest Patent Flour Bleached," or "Crystal Wedding Flour Bleached All Purpose Family Flour Self Rising."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects, larvae, pupae, and insect fragments.

DISPOSITION: October 3 and 26, 1944. The Helena Wholesale Grocery Co., Helena, Ark., and the McCoy Grain Co., Texarkana, Ark., claimants, respectively, for the lots at Helena and Texarkana, having admitted the allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond, conditioned that they be denatured under the supervision of the Food and Drug Administration.

7428. Adulteration of self-rising flour, plain flour, and phosphated flour. U. S. v. 210 Bags, 219 Bags, and 14 Bags of Self-Rising Flour; 62 Bags, 120 Bags, and 40 Bags of Plain Flour; and 10 Bags of Phosphated Flour. Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 13748. Sample Nos. 89825-F to 89831-F, incl.)

LIBEL FILED: October 2, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: From on or about May 9 to July 24, 1944, by the Acme Mills, from Hopkinsville, Ky.

PRODUCT: 210 50-pound bags, 219 25-pound bags, and 14 100-pound bags of self-rising flour; 182 25-pound bags and 40 50-pound bags of plain flour; and 10 100-pound bags of phosphated flour, at Memphis, Tenn.

LABEL, IN PART: "Bleached Dove Self-Rising [or "Phosphated," or "Plain"] Flour," or "Bleached Jumping Jack Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of beetles and larvae.

DISPOSITION: October 24, 1944. The W. B. Mallory & Sons Co., Memphis, Tenn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond for uses other than human consumption, under the supervision of the Federal Security Agency.

7429. Adulteration of self-rising flour and plain flour. U. S. v. 200 Bags of Self-Rising Flour, and 82 Bags of Flour. Decrees of condemnation. Portion of products ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 13938, 14025. Sample Nos. 63926-F, 80356-F.)

LIBELS FILED: On or about October 12 and 17, 1944, Southern District of Florida and Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about February 22 and July 21, 1944, by the Arkansas City Flour Mills, from Arkansas City, Kans.

PRODUCT: 200 25-pound bags of self-rising flour at Paragould, Ark., and 82 100-pound bags of plain flour at Jacksonville, Fla.

LABEL, IN PART: "Bleached Self-Rising Flour Silver King Extra High Patent," or "U-Bak-A Bakers Patent Made from Selected Kansas Hard Wheat Milled for Higginsville Flour Mill Higginsville, Mo. Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of weevils, larvae, insect fragments, and cast skins.

DISPOSITION: November 8, 1944. The Dixie-Portland Flour Co., Jacksonville, Fla., having appeared as claimant for the lot at Jacksonville, judgment of condemnation was entered and the product was ordered released under bond for denaturing, under the supervision of the Food and Drug Administration, to be used as animal feed. On November 17, 1944, no claimant having appeared for the remaining lot, judgment of condemnation was entered and the product was ordered destroyed.

7430. Adulteration of self-rising flour and plain flour. U. S. v. 52 Bags and 80 Bags of Flour (and 2 other seizure actions against flour). Default decrees of condemnation. Portion of products ordered sold; remainder ordered destroyed. (F. D. C. Nos. 13015, 13245, 13266. Sample Nos. 72070-F, 72577-F, 72584-F, 80581-F to 80584-F, incl.)

LIBELS FILED: Between July 26 and August 18, 1944, Western Districts of Tennessee and Arkansas.

ALLEGED SHIPMENT: Between the approximate dates of February 12 and May 29, 1944, by the Shawnee Milling Co., from Shawnee, Okla.

PRODUCT: 186 50-pound bags and 64 25-pound bags of flour at Memphis, Tenn., and 33 50-pound bags and 72 25-pound bags of flour at Murfreesboro, Ark.

LABEL, IN PART: (Bags) "Snow Blossom," "Shawnee's Best," or "Mother's Pride Okeene's Best."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects, insect fragments, larvae, pupae, and cast skins.

DISPOSITION: Between January 18 and February 16, 1945. No claimant having appeared, judgments of condemnation were entered and the lots at Memphis were ordered sold, under the direction of the Federal Security Agency, to be denatured so that they could not be used for human consumption or animal feed, a portion to be used for technical purposes only. The remaining lots were ordered destroyed.

7431. Adulteration of soy flour. U. S. v. 110 Bags of Soy Flour. Default decree of condemnation. Product ordered sold. (F. D. C. No. 13702. Sample No. 89815-F.)

LIBEL FILED: September 20, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 1, 1944, by the Continental Baking Co., from Kansas City, Mo.

PRODUCT: 110 100-pound bags of soy flour at Memphis, Tenn.

LABEL, IN PART: "Staley's Soy Flour Hi Fat."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: January 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, under the direction of the Federal Security Agency, to be denatured so that it could not be used for human consumption.

7432. Adulteration of soy flour. U. S. v. 139 Bags of Soy Flour. Default decree of condemnation. Product ordered delivered to a public institution, for use as animal feed. (F. D. C. No. 14447. Sample No. 63936-F.)

LIBEL FILED: November 28, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about May 28, 1943, by the A. E. Staley Mfg. Co., from Decatur, Ill.

PRODUCT: 139 100-pound bags of soy flour, at Jacksonville, Fla.

LABEL, IN PART: "Staley's Soy Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: December 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

7433. Adulteration of soy flour. U. S. v. 200 Bags of Soy Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14475. Sample No. 68446-F.)

LIBEL FILED: November 15, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 12, 1944, by the Central Soya Co., Inc., from Decatur, Ind.

PRODUCT: 200 100-pound bags of soy flour, at Toledo, Ohio.

LABEL, IN PART: "Soy Flour Central Soya Hi-Soy."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: December 5, 1944. The Central Soya Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7434. Adulteration of soy flour and soy bean grits. U. S. v. 50 Bags of Soy Flour and 13 Bags of Grits. Default decrees of condemnation. Products ordered delivered to a State institution, for use as animal feed. (F. D. C. Nos. 14116, 14117. Sample Nos. 90374-F, 90375-F.)

LIBELS FILED: October 25, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about February 21 and August 29, 1944, by Spencer-Kellogg and Sons, Inc., from Decatur, Ill.

PRODUCTS: 50 100-pound bags of soy flour and 13 100-pound bags of grits, at Little Rock, Ark.

LABEL, IN PART: "Kellogg's Special X Soy Flour," and "Kellogg's Meatone Fine Grits."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of larvae and insect fragments.

DISPOSITION: November 20, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to a State institution, to be used as animal feed.

7435. Adulteration of soyflake flour. U. S. v. 50 Bags of Soyflake Flour. Default decree of condemnation. Product ordered sold. (F. D. C. No. 14180. Sample No. 98601-F.)

LIBEL FILED: November 1, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 18, 1944, by Spencer-Kellogg and Sons, Inc., from Decatur, Ill.

PRODUCT: Soyflake flour, 50 100-pound bags, at St. Louis, Mo.

LABEL, IN PART: "Kellogg's Soyflake Flour An Edible Processed Soybean Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect fragments.

DISPOSITION: December 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to a purchaser adopting such safeguards as might be directed by the Federal Security Agency to insure use of the flour in compliance with the law.

7436. Adulteration of whole wheat flour. U. S. v. 103 Bags of Whole Wheat Flour. Default decree of condemnation and destruction. (F. D. C. No. 13648. Sample No. 78432-F.)

LIBEL FILED: September 11, 1944, Northern District of Indiana.

ALLEGED SHIPMENT: On or about May 29, 1944, by the Ralston Purina Co., St. Louis, Mo.

PRODUCT: 103 100-pound bags of whole wheat flour at South Bend, Ind.

LABEL, IN PART: "Purina Whole Wheat Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect fragments.

DISPOSITION: January 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7437. Adulteration of whole wheat flour. U. S. v. 13 Bags of Whole Wheat Flour. Consent decree of condemnation and destruction. (F. D. C. No. 13647. Sample No. 54650-F.)

LIBEL FILED: On or about September 26, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 4, 1943, by the Springfield Flour Mills, from Springfield, Mo.

PRODUCT: 13 100-pound bags of whole wheat flour at Chicago, Ill.

LABEL, IN PART: "Lyons Best Whole Wheat."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and webbing.

DISPOSITION: October 5, 1944. The claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

7438. Adulteration of whole wheat flour and pastry flour. U. S. v. 130 Bags and 20 Bags of Flour. Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 13762. Sample Nos. 89821-F, 89822-F.)

LIBEL FILED: October 2, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 15, 1944, from Springfield, Ill.

PRODUCTS: 130 100-pound bags of cake flour and 20 100-pound bags of whole wheat flour, at Memphis, Tenn., in the possession of the Poston Warehouse.

The flour was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent excreta was observed on the bags. Examination showed that the product contained rodent excreta, rodent hairs, weevils, and larvae.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 21, 1944. The Kroger Grocery & Baking Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond, conditioned that the unfit portions be segregated and denatured for use as animal feed, under the supervision of the Federal Security Agency.

MISCELLANEOUS CEREAL PRODUCTS

7439. Adulteration of Matzo products. U. S. v. B. C. Friedman & Sons, Inc., and Edward H. Friedman. Pleas of nolo contendere. Each defendant fined \$50, and individual placed on 1 year's probation. (F. D. C. No. 9688. Sample Nos. 14828-F to 14830-F, incl., 23270-F, 23271-F, 24800-F, 28947-F, 32507-F.)

INFORMATION FILED: December 6, 1943, Eastern District of Pennsylvania, against B. C. Friedman & Sons, Inc., Philadelphia, Pa., and Edward H. Friedman, president of the corporation.

ALLEGED SHIPMENT: From on or about March 8 to April 6, 1943, from the State of Pennsylvania into the States of California, New Jersey, Virginia, Georgia, and Ohio.

LABEL, IN PART: "Friedman's Matzo [or "Matzo Meal" or "Cake Meal"]," or "Philadelphia Cracker Meal * * * Baked by Philadelphia Cracker Meal Co. Philadelphia, Pa."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent hairs, insect and rodent hair fragments, mammalian hairs resembling rodent hairs, a rodent pellet fragment, larva heads, one whole larva, insects, and a cat hair; and, Section 402 (a) (4), the products had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: September 12, 1943. Pleas of nolo contendere having been entered, each defendant was fined \$50, and the individual was placed upon probation for 1 year.

7440. Adulteration of Lacedex (cereal product). U. S. v. 52 Bags of Lacedex. Default decree of condemnation. Product ordered denatured and sold for purposes other than human consumption. (F. D. C. No. 14159. Sample No. 99009-F.)

LIBEL FILED: October 30, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 25, 1944, by the Stein-Hall Manufacturing Co., from Hawthorne, Ill.

PRODUCT: 52 100-pound bags of Lacedex at St. Louis, Mo.

LABEL, IN PART: "Hallmark Lacedex SH."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and cast skins.

DISPOSITION: December 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, under the direction of the Federal Security Agency, to be denatured and used for purposes other than human consumption.

7441. Adulteration of a cereal product (malted grain). U. S. v. 200 Bags of Cereal Product. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13946. Sample No. 75415-F.)

LIBEL FILED: October 11, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about August 14, 1944, by the Houston Milling Co., Inc., from Houston, Tex.

PRODUCT: 200 100-pound bags of a cereal product, at Buffalo, N. Y.

LABEL, IN PART: "Arrow Degerminated XX Malt Adjunct."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: October 31, 1944. The Van Buren Products Co., Buffalo, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for denaturing, fumigating, and mixing for use as animal feed, under the supervision of the Food and Drug Administration.

7442. Adulteration of corn grits. U. S. v. 1,000 Bags and 1,500 Bags of Corn Grits. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 14514, 14530. Sample Nos. 89751-F, 90111-F.)

LIBELS FILED: November 24 and 27, 1944, Eastern Districts of Missouri and Illinois.

ALLEGED SHIPMENT: On or about March 30 and September 15 and 29, 1944, by the Charles A. Krause Milling Co., from Milwaukee, Wis.

PRODUCT: 1,000 100-pound bags of corn grits at St. Louis, Mo., and 1,500 100-pound bags of corn grits at East St. Louis, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, beetles, and webbing.

DISPOSITION: On or about December 5 and 15, 1944. The Lemp Brewing Co., claimant for the lot at East St. Louis, and the Dixie Mills Co., claimant for the lot at St. Louis, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for conversion into animal feed, under the supervision of a representative of the Federal Security Agency.

7443. Adulteration of milo meal. U. S. v. 1,000 Bags of Milo Meal. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13285. Sample No. 75756-F.)

LIBEL FILED: August 19, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about April 1, 1944, by the Continental Grain Co., from Carthage, Mo.

PRODUCT: 1,000 100-pound bags of milo meal at Buffalo, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: August 28, 1944. The William Simon Brewery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be fumigated and denatured under the supervision of the Food and Drug Administration.

7444. Adulteration of popecorn. U. S. v. 80 Bags of Popecorn. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13601. Sample No. 92817-F.)

LIBEL FILED: August 31, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about June 12, 1944, from Glen Echo Park, Md.

PRODUCT: 80 bags, each containing about 100 pounds, of popcorn at Washington, D. C., in possession of the Terminal Refrigerating and Warehousing Corporation.

The product was stored under insanitary conditions after shipment. Many of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the article contained rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 26, 1944. Reuben N. Anderson, Glen Echo Park, Md., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated, denatured, and converted into seed for planting, under the supervision of the Food and Drug Administration. An amended decree was entered on October 23, 1944, permitting the unfit portion to be denatured for use as animal feed instead of being disposed of as seed corn.

7445. Adulteration of popecorn. U. S. v. 613 Sacks and 32 Bags of Popecorn. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 14120, 14551. Sample Nos. 80960-F, 89894-F.)

LIBELS FILED: October 24 and December 1, 1944, Western Districts of Oklahoma and Tennessee.

ALLEGED SHIPMENT: Between July 25 and October 28, 1944, by Manley, Inc., from Wall Lake, Iowa, and Peoria, Ill.

PRODUCT: 613 100-pound sacks of popcorn at Oklahoma City, Okla., and 32 100-pound bags of popcorn at Memphis, Tenn.

LABEL, IN PART: "Manley's Popcorn."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hair fragments, weevils, larvae, and insect fragments.

DISPOSITION: December 7, 1944, and January 19, 1945. Manley, Inc., Kansas City, Mo., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be cleaned and brought into compliance with the law, under the supervision of the Food and Drug Administration.

7446. Adulteration of popcorn. U. S. v. 10 Sacks and 20 Sacks of Popecorn. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 14161, 14179. Sample Nos. 81017-F, 81555-F.)

LIBELS FILED: On or about November 4, 1944, District of Kansas.

ALLEGED SHIPMENT: On or about October 3 and 11, 1944, by Manley, Inc., from Kansas City, Mo.

PRODUCT: 20 100-pound sacks and 10 100-pound sacks of popcorn at Fort Leavenworth and Wichita, Kans., respectively.

LABEL, IN PART: "Manley's Best Pop Corn."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: November 4, 1944. Manley, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned upon its being brought into compliance with the law, under the supervision of the Food and Drug Administration.

7447. Adulteration of popcorn. U. S. v. 20 Bags Popcorn. Default decree of condemnation. Product ordered delivered to a public institution, for use as animal feed. (F. D. C. No. 14479. Sample No. 90143-F.)

LABEL FILED: November 15, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about October 30, 1944, by Manley, Inc., from Memphis, Tenn.

PRODUCT: 20 100-poung bags of popcorn at North Little Rock, Ark.

LABEL, IN PART: "Manley's Best Popcorn Jumbo South American."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets.

DISPOSITION: December 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

7448. Adulteration of popeorn. U. S. v. 36 Bags of Popcorn. Default decree of condemnation. Product ordered sold to the highest bidder. (F. D. C. No. 14933. Sample No. 89765-F.)

LABEL FILED: On or about January 2, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 20, 1944, by M. T. Goble, from Ida Grove, Iowa.

PRODUCT: 36 100-pound bags of popcorn, at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: January 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder, to be used in conformity with the law.

7449. Adulteration of pearled barley. U. S. v. 47 Bags of Barley. Consent decree of condemnation. Product ordered released under bond for salvaging. (F. D. C. No. 14204. Sample No. 86541-F.)

LABEL FILED: November 16, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On June 27, 1944, from St. Louis, Mo.

PRODUCT: 47 100-pound bags of pearled barley, at Chicago, Ill., in the possession of the Keeley Brewing Co.

This product had been stored, after shipment, under insanitary conditions. Some of the bags were rodent-gnawed, and rodent pellets were observed on the bags. Examination showed that the product contained rodent pellets, beetles, and larvae.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 18, 1944. The Keeley Brewing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging, under the supervision of the Food and Drug Administration.

7450. Adulteration of brewers' flakes. U. S. v. 278 Bags of Brewers' Flakes. Decree ordering the release of the product under bond. (F. D. C. No. 14168. Sample No. 68431-F.)

LABEL FILED: On or about November 3, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 4 and 11, 1944, by the Illinois Cereal Mills, Inc., Paris, Ill.

PRODUCT: 278 50-pound bags of brewers' flakes at Columbus, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: November 14, 1944. The Gwinn Milling Co., Columbus, Ohio, having appeared as claimant, judgment was entered ordering that the product be released under bond for reprocessing for use not contrary to law, under the supervision of the Food and Drug Administration.

7451. Adulteration of brewers' flakes. U. S. v. 258 Bags of Brewers' Flakes. Consent decree of condemnation. Product ordered released under bond to be converted into stock feed. (F. D. C. No. 13299. Sample No. 67561-F.)

LIBEL FILED: August 22, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about April 15, 1944, by the Mount Vernon Milling Co., Mount Vernon, Ind.

PRODUCT: 258 bags, each containing 100 pounds, of brewers' flakes, at Cincinnati, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: August 23, 1944. The Schoenling Brewing Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration.

7452. Adulteration of brewers' flakes, yellow corn grits, and brewers' corn grits. U. S. v. 17 Bags of Brewers' Flakes, 700 Bags of Yellow Corn Grits, and 700 Bags of Brewers' Corn Grits. Decrees of condemnation. Products ordered released under bond to be converted into animal feed. (F. D. C. Nos. 13282, 13678, 13732. Sample Nos. 50100-F, 68498-F, 75757-F.)

LIBEL FILED: Between August 19 and September 26, 1944, Southern District of Ohio and Western District of New York.

ALLEGED SHIPMENT: From on or about May 11 to June 8, 1944, by the Evans Milling Co., from Indianapolis, Ind.

PRODUCT: 17 80-pound bags of brewers' flakes at Cincinnati, Ohio, and 700 100-pound bags of yellow corn grits and 700 100-pound bags of brewers' corn grits at Buffalo, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of beetles, larvae, insect fragments, pupae, cocoons, webbing, and weevils.

DISPOSITION: Between August 31 and October 5, 1944. The Hudepohl Brewing Co., Cincinnati, Ohio, having appeared as claimant for the Cincinnati lot, and the Iroquois Beverage Corporation having appeared as claimant for the Buffalo lots, judgments of condemnation were entered and the products were ordered released under bond to be converted into animal feed, under the supervision of the Food and Drug Administration.

7453. Adulteration of brewers' grits. U. S. v. 271 Sacks of Brewers' Grits. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14098. Sample No. 69470-F.)

LIBEL FILED: October 27, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about August 5, 1944, by the Kimbell Milling Co., from Fort Worth, Tex.

PRODUCT: 271 100-pound sacks of brewers' grits at Denver, Colo.

LABEL, IN PART: "Kimco Brewers Grits Adjunct."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, weevils, larvae, and insect fragments.

DISPOSITION: December 2, 1944. The City Park Dairy Co., Denver, Colo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for use as cattle feed, under the supervision of the Food and Drug Administration.

7454. Adulteration of brewers' grits. U. S. v. 500 Bags and 396 Bags of Brewers' Grits. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 13744, 14327. Sample Nos. 63762-F, 80497-F.)

LIBELS FILED: September 26, 1944, Eastern District of Illinois; and October 30, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about July 4 and 25, 1944, by the Kimbell Milling Co., from Gainesville and Jacksboro, Tex.

PRODUCT: 500 100-pound bags and 396 100-pound bags of brewers' grits at Belleville, Ill., and Charlotte, N. C., respectively.

LABEL, IN PART: "Kimco Brewers Grits," and "Kinco Brewers Grits Adjunct."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, webbing, and insect excreta.

DISPOSITION: October 9 and November 30, 1944. The Star-Peerless Brewery Co., Belleville, Ill., and the Atlantic Co., Charlotte, N. C., claimants for the respective lots, having admitted the material allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be converted into animal feed, under the supervision of the Food and Drug Administration.

7455. Adulteration of brewers' grits. U. S. v. 245 Bags of Brewers' Grits. Consent decree of condemnation. Product ordered released under bond to be converted into stock feed. (F. D. C. No. 13300. Sample No. 67562-F.)

LIBEL FILED: August 22, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 6, 1944, by the Decatur Milling Co., Inc., Decatur, Ill.

PRODUCT: 245 100-pound bags of brewers' grits at Cincinnati, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: August 24, 1944. The Red Top Brewing Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed.

7456. Adulteration of brewers' rice. U. S. v. 873 Bags of Brewers' Rice. Consent decree of condemnation. Product ordered released under bond for reprocessing. (F. D. C. No. 13923. Sample No. 92002-F.)

LIBEL FILED: October 6, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about December 29, 1943, by T. J. Krikorian & Sons, from De Witt, Ark.

PRODUCT: 873 100-pound bags of brewers' rice, at Buffalo, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: October 10, 1944. The William Simon Brewery, Buffalo, N. Y., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing, fumigating, and mixing with other material for use as animal feed, under the supervision of the Food and Drug Administration.

7457. Adulteration of rice. U. S. v. 761 Bags of Rice. Consent decree of condemnation. Product ordered released to be processed into animal feed. (F. D. C. No. 13789. Sample No. 28353-F.)

LIBEL FILED: September 15, 1944, Southern District of Georgia.

ALLEGED SHIPMENT: On or about August 11, 1944, by the Federal Surplus Commodities Corporation, from Mobile, Ala.

PRODUCT: 761 100-pound bags of rice at Savannah, Ga.

LABEL, IN PART: "Rexora No. 4."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, insect fragments, and insect excreta.

DISPOSITION: November 13, 1944. The Commodity Credit Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was

entered and the product was ordered delivered to the claimant to be processed into animal feed, under the supervision of the Food and Drug Administration.

7458. Adulteration of rice grits. U. S. v. 125 Bags of Rice Grits. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13733. Sample No. 92001-F.)

LIBEL FILED: September 26, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about December 16, 1943, by the Rickert Rice Mills, from New Orleans, La.

PRODUCT: 125 100-pound bags of rice grits at Buffalo, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: October 3, 1944. The William Simon Brewery, claimant, having admitted that the product was adulterated as alleged in the libel, judgment of condemnation was entered, and it was ordered released under bond to be denatured, fumigated, and mixed with other material for use as animal feed, under the supervision of the Food and Drug Administration.

7459. Adulteration of sausage binder. U. S. v. 112 Bags of Sausage Binder. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13714. Sample No. 89816-F.)

LIBEL FILED: September 25, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 7, 1944, from Faribault, Minn.

PRODUCT: 112 140-pound bags of sausage binder at Memphis, Tenn., in the possession of the Rose Warehouse Co.

The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets were observed on them. Examination showed that the article contained rodent excreta and rodent hair fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 9, 1944. The Griffith Laboratories, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured for use as animal feed, under the supervision of the Federal Security Agency.

7460. Adulteration of sausage flour. U. S. v. 26 Barrels and 21 Barrels of Sausage Flour. Default decree of condemnation. Product ordered sold. (F. D. C. No. 13176. Sample Nos. 72585-F, 72586-F.)

LIBEL FILED: August 7, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 2, 1943, by the Griffith Laboratories, from Omaha, Nebr.

PRODUCT: 26 250-pound barrels and 21 300-pound barrels of sausage flour at Memphis, Tenn.

LABEL, IN PART: "Griffith's Gelatinous Processed From Select Maize Processed Sausage [or "Sausage Special Binder"] Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: January 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, under the direction of the Federal Security Agency, to be denatured so that it could not be used for human consumption.

7461. Adulteration of sausage binder flour. U. S. v. 29 Drums of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13945. Sample No. 62151-F.)

LIBEL FILED: October 11, 1944, Western District of Texas.

ALLEGED SHIPMENT: On or about January 5, 1944, by B. Heller & Co., Chicago, Ill.

PRODUCT: 29 drums, each containing 300 pounds, of flour at San Antonio, Tex.

LABEL, IN PART: "Bull-Meat-Brand Flour A Sausage Binder * * * Contains Corn, Wheat Oats Rye and Rice."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: November 2, 1944. The Apache Packing Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for reprocessing under the supervision of the Food and Drug Administration.

7462. Adulteration of rye chops. U. S. v. 14 Bags of Rye Chops. Consent decree of condemnation and destruction. (F. D. C. No. 13676. Sample No. 54648-F.)

LABEL FILED: On or about September 26, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 8, 1944, from New Ulm, Minn.

PRODUCT: 14 100-pound bags of rye chops at Chicago, Ill., in the possession of Anchor Mills, Inc.

The article was stored under insanitary conditions after shipment. Some of the bags* were rodent-gnawed, and rodent pellets were observed on them. Examination showed that the article contained rodent excreta, rodent hairs, larvae, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 5, 1944. The claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

8463. Adulteration of corn muffin mix and bran muffin mix. U. S. v. 28 Bags of Corn Muffin Mix, and 2 Bags and 26 Bags of Bran Muffin Mix. Default decree of condemnation. Product ordered sold on condition that it be denatured. (F. D. C. No. 14113. Sample No. 89722-F to 89724-F, incl.)

LABELS FILED: October 23, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: From on or about June 17 to September 15, 1944, by the Doughnut Corporation of America, from Ellicott City, Md.

PRODUCT: 28 50-pound bags of corn muffin mix, and 2 50-pound bags and 26 25-pound bags of bran muffin mix, at St. Louis, Mo.

LABEL, IN PART: "Downyflake Corn Muffin Mix," and "Downyflake Formerly Fint Bran Muffin Mix."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: November 27, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered sold to the highest bidder, on condition that they be denatured and used for other than human consumption.

7464. Adulteration of doughnut mix. U. S. v. 5 Sacks of Doughnut Mix. Default decree of condemnation. Product ordered sold on condition that it be denatured. (F. D. C. No. 14112. Sample No. 89725-F.)

LABEL FILED: October 21, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 27, 1944, by Frank Wachtering, from De Soto, Kans.

PRODUCT: 5 100-pound sacks of doughnut mix, at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: November 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder, on the condition that it be denatured and used other than for human consumption.

CHOCOLATE, SUGARS, AND RELATED PRODUCTS

CANDY

7465. Adulteration of candy bars. U. S. v. George Harold Thompson (The Candy House). Plea of guilty. Fine, \$300 and costs. (F. D. C. No. 12596. Sample Nos. 70607-F, 71123-F, 71124-F.)

INFORMATION FILED: December 6, 1944, Western District of Washington, against George Harold Thompson, president and manager of The Candy House, a corporation, Seattle, Wash.

ALLEGED SHIPMENT: On or about February 11 and 14, 1944, from the State of Washington into the States of Montana and Oregon.

LABEL, IN PART: (Bar) "Dam Bar [or "Custard Whip"] Thompson's Candy House Seattle."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs in two lots and rodent hair fragments and insect parts in the remaining lot; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 28, 1944. A plea of guilty having been entered, the defendant was fined \$200 on count 1, and \$50 each on counts 2 and 3, for a total fine of \$300, and costs.

7466. Adulteration of Jucee-Chew confection. U. S. v. 577 Boxes of Jucee-Chew Confection (and 1 other seizure action against the same product.) Default decrees of condemnation and destruction. (F. D. C. Nos. 12505, 12661. Sample Nos. 66642-F, 69905-F, 69910-F.)

LIBEL FILED: On or about June 6 and 14, 1944, Western District of Missouri and District of Colorado.

ALLEGED SHIPMENT: From on or about May 12 to 29, 1944, by the Dallas Confectionery Co., from Dallas, Tex.

PRODUCT: Jucee-Chew confection: 577 boxes at Denver, Colo., and 395 boxes at Kansas City, Mo., each box containing 120 bottle-shaped paraffin containers.

LABEL, IN PART: (Boxes) "Jucee-Chew A Drink and a Chew. * * * Ingredients: Pure Paraffin Wax; Artificial Color and Flavor; Sugar; Acid; Water; Corn Syrup; not over 1-10 of 1% of Benzoate of Soda; Esterex (Monochloroacetic Acid)."

VIOLATION CHARGED: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, monochloroacetic acid, which was unsafe within the meaning of the law since it was a substance not required in the production of the food, and could have been avoided by good manufacturing practice.

DISPOSITION: July 22 and August 8, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

7467. Adulteration of candy. U. S. v. 57 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 13339. Sample No. 65763-F.)

LIBEL FILED: August 22, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about July 5, 1944, by Luden's, Inc., Reading, Pa.

PRODUCT: 57 boxes, each containing 24 bars, of candy at New York, N. Y.

LABEL, IN PART: (Boxes) "Luden's Toasted Unicy Marshmallow Bar."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and webbing.

DISPOSITION: August 30, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7468. Misbranding of maple squares. U. S. v. 102 Boxes of Maple Squares. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 12131. Sample No. 76212-F.)

LIBEL FILED: April 5, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about February 19, 1944, by Crown Confections, from Brooklyn, N. Y.

PRODUCT: 102 boxes, each containing 24 2-ounce bags, of maple squares at Newark, N. J.

The product consisted of small squares of clear sugar candy, colored brown and flavored with imitation maple flavor.

LABEL, IN PART: "Kings Choice Maple Squares."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the name "Maple Squares" was false and misleading as applied to an imitation maple product containing no maple, and the statement "Net Weight 2 Ozs" was false and misleading as applied to the article, which was short-weight; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: October 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, after destruction of the labels under the supervision of the Food and Drug Administration.

CHOCOLATE AND COCOA

7469. Adulteration of chocolate. U. S. v. 140 Bags of Chocolate. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14163. Sample No. 68376-F.)

LIBEL FILED: October 30, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about April 29 and June 2, 1944, by the Brewster Ideal Chocolate Co., Newark, N. J.

PRODUCT: 140 10-pound bags of chocolate at Cleveland, Ohio.

LABEL, IN PART: "Regal Van CTG. With Vanilla Artificial Flavor and Artificial Color."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: December 11, 1944. The Jackson Chocolate Co., Cleveland, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into conformance with the law, under the supervision of the Food and Drug Administration.

7470. Adulteration of sweet chocolate. U. S. v. 40 Bags of Chocolate. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14162. Sample No. 68375-F.)

LIBEL FILED: October 30, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 10, 1944, by the Champion Wafer Co., New York, N. Y.

PRODUCT: 40 10-pound bags of sweet chocolate at Cleveland, Ohio.

LABEL, IN PART: "King Dark Sweet Chocolate with Lecithin."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and rodent hairs.

DISPOSITION: December 11, 1944. The Jackson Chocolate Co., Cleveland, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into conformance with the law, under the supervision of the Food and Drug Administration.

7471. Adulteration of chocolate liquor. U. S. v. 6 Bags of Chocolate Liquor. Consent decree of condemnation and destruction. (F. D. C. No. 14525. Sample No. 85761-F.)

LIBEL FILED: November 27, 1944, District of Colorado.

ALLEGED SHIPMENTS: On or about June 7 and September 28, 1944, by the Warfield Chocolate Division of the Warfield Co., from Chicago, Ill.

PRODUCT: 6 bags, each containing 20 10-pound bars, of chocolate liquor at Denver, Colo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, webbing, and insect excreta.

DISPOSITION: December 8, 1944. The consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

7472. Adulteration of chocolate liquor. U. S. v. 69 Bags of Chocolate Liquor. Consent decree of condemnation and destruction. (F. D. C. No. 14526. Sample No. 85760-F.)

LIBEL FILED: November 27, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about February 23, July 29, and August 4, 1944, by Rockwood and Co., from Brooklyn, N. Y.

PRODUCT: 69 bags, each containing 20 10-pound bars, of chocolate liquor at Denver, Colo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, webbing, and insect excreta.

DISPOSITION: December 8, 1944. The consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

7473. Adulteration of cocoa. U. S. v. 710 Bags of Cocoa. Consent decree of condemnation. Product ordered delivered to a public or charitable institution, for use as fertilizer. (F. D. C. No. 12154. Sample No. 63221-F.)

LIBEL FILED: August 6, 1944, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about October 22, 1943, by the Royale Popcorn Co., from Joliet, Ill.

PRODUCT: 710 bags, each containing 40 pounds, of cocoa at Winston Salem, N. C.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of cacao shell and powdered cacao bean had been substituted in whole or in part for "Cocoa," which the article was represented to be; and, Section 402 (b) (4), cacao shell had been added thereto or mixed or packed therewith so as to reduce its quality or strength.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food; and, Section 403 (e) (1), it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; or, Section 403 (e) (2), an accurate statement of the quantity of the contents.

DISPOSITION: October 28, 1944. The owner of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to a public or charitable institution, for use as fertilizer.

SIRUPS, SUGARS, AND TOPPING

7474. Adulteration and misbranding of maple sirup. U. S. v. 22 Cases of Maple Sirup (and 4 other seizure actions against maple sirup.) Decrees of condemnation. Product ordered delivered to government or charitable institutions. (F. D. C. Nos. 13029, 13031, 13032, 13094, 13095. Sample Nos. 54845-F, 54851-F, 71652-F to 71654-F, incl., 79287-F, 79288-F.)

LABELS FILED: Between July 29 and August 10, 1944, Eastern District of Virginia, Western District of Washington, and Eastern District of Wisconsin.

ALLEGED SHIPMENT: From on or about May 9 to June 22, 1944, by the American Roland Food Co., from New York, N. Y.

PRODUCT: 17 cases at Arlington, Va., 68 cases at Seattle, Wash., and 140 cases at Milwaukee, Wis., each case containing 24 6-ounce bottles of maple sirup.

LABEL, IN PART: (Bottles) "100% Grade A Pure Vermont Maple Syrup Sap [design of a maple leaf and maple trees] Tiffany Extract Co. * * * Paterson, N. J.," or "Roland 100%" Grade A Pure Vermont Maple Syrup."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, maple sugar or maple sugar sirup, had been in whole or in part omitted from the articles; and, Section 402 (b) (2), in the Washington and Wisconsin lots, sugar sirup, containing little or no true maple sugar or maple sirup, and in the Virginia lots, sugar sirup containing more than 35 percent water and little or no true maple sirup, had been substituted for maple sirup, which the article purported and was represented to be.

Misbranding, Section 403 (a), the statement, "100% Grade A Pure Vermont Maple Syrup Sap," the design of a maple leaf and maple trees, and the statement, "100% Grade A Pure Vermont Maple Syrup," were false and misleading; Section 403 (c), the article in the Washington and Virginia lots was an imitation of another food, maple sirup, and its label failed to bear, in type of uniform size and prominence, the word "Imitation" and, immediately thereafter, the name of the food imitated; and, Section 403 (i) (2), the article was fabricated from two or more ingredients and its labels failed to bear the common or usual name of each such ingredient.

DISPOSITION: Between September 25 and November 28, 1944. The shipper of the Arlington lot having consented to its condemnation, and no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered delivered to government or charitable institutions.

7475. Adulteration and misbranding of cane sirup. U. S. v. 2,093 Jars and 69 Cases of Sirup. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 13936, 14332. Sample Nos. 63376-F, 63630-F.)

LIBELS FILED: October 7 and November 2, 1944, Middle and Southern Districts of Georgia.

ALLEGED SHIPMENT: On or about July 17 and 18 and August 12, 1944, by Dad's Quality Syrup Co., from Gainesville, Fla.

PRODUCT: 2,093 jars of sirup at Albany, Ga., and 69 cases, each containing 6 64-ounce bottles, of sirup at Dublin, Ga.

LABEL, IN PART: "It's Different Dad's Best Quality Pure Sugar Cane Syrup."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of invert sugar sirup and cane sirup had been substituted in whole or in part for "Pure Sugar Cane Syrup," which the product was represented to be.

Misbranding, Section 403 (a), the label statement, "Pure Sugar Cane Syrup," was false and misleading as applied to a mixture of invert sugar sirup and cane sirup; Section 403 (b), the article was offered for sale under the name of another food; Section 403 (e) (2), (Albany lot only) it was a food in package form and it failed to bear a label containing an accurate statement of the quantity of contents since the label statement, "Net Wt. 144 Oz. Avoir," was inaccurate; and, Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: October 17 and December 5, 1944. Dad's Quality Syrup Co., claimant, having admitted the material allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be relabeled and brought into compliance with the law, under the supervision of the Food and Drug Administration.

7476. Adulteration of sugar. U. S. v. 590 Bags of Sugar. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14093. Sample No. 63579-F.)

LIBEL FILED: October 27, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about August 25, 1944, from Pekin, Ill.

PRODUCT: 590 100-pound bags of sugar at Atlanta, Ga., in the possession of the Atlantic Company Brewery.

This product had been stored, after shipment, under insanitary conditions. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on the bags. Examination showed that the product contained rodent pellets and was contaminated with urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 6, 1944. The Atlantic Co., Atlanta, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for uses incident to the manufacture and processing of cloth, under the supervision of the Food and Drug Administration.

7477. Adulteration of cane sugar. U. S. v. 1,347 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13624. Sample No. 63914-F.)

LIBEL FILED: September 14, 1944, Southern District of Florida.

ALLEGED SHIPMENT: Between the approximate dates of March 15 and April 14, 1944, from Sagua La Granda, Cuba.

PRODUCT: 1,347 100-pound bags of cane sugar at Miami, Fla., in the possession of the Robbins Warehousing and Distributing Co.

This product had been stored under insanitary conditions after shipment. The bags had been gnawed by rodents, and urine stains and rodent pellets were on the bags. Examination showed that the article contained rodent hair fragments and was contaminated with urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions, whereby it may have become contaminated with filth.

DISPOSITION: October 25, 1944. Lombard & Co., New York, N. Y., claimant, having admitted that a portion of the product was adulterated, and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation and re-refining of the unfit portion, under the supervision of the Food and Drug Administration.

7478. Adulteration of corn sugar. U. S. v. 500 Bags and 333 Bags of Corn Sugar. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 13053, 13054. Sample Nos. 72068-F, 72069-F.)

LIBEL FILED: August 2, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 19 and December 20, 1943, from Roby, Ind., and Chicago, Ill.

PRODUCT: 833 bags, each containing 100 pounds, of corn sugar at Memphis, Tenn., in the possession of the Poston Warehouse.

The product was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets were noted on the bags and in the product. Examination of samples disclosed the presence of rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 24 and 25, 1944. The American Maize Products Co., claimant for the 333-bag lot, and Swift & Co., claimant for the 500-bag lot, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that, in the case of the former lot, the unfit portion be re-refined, and that, in the case of the latter lot, it be destroyed. On September 13, 1944, on motion of the claimant for the 333-bag lot, an amended decree was entered ordering the unfit portion destroyed; and on October 7, 1944, an amended decree was entered with respect to the 500-bag lot, ordering the segregated unfit portion disposed of as livestock and cattle feed.

7479. Adulteration of dextrose sugar. U. S. v. 566 Bags of Dextrose Sugar. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13737. Sample No. 72854-F.)

LIBEL FILED: September 23, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about June 19, 1944, from Kansas City, Mo.

PRODUCT: 566 100-pound bags of dextrose sugar at Planada, Calif., in the possession of the Planada Packers.

The article was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets were observed on them. Examination showed that the article contained rodent pellets.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 14, 1944. The Planada Packers, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law. The article was used for distillation purposes.

7480. Adulteration of dextrose sugar. U. S. v. 74 Bags of Dextrose Sugar. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13250. Sample No. 72590-F.)

LIBEL FILED: August 21, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about January 10, 1944, from Chicago, Ill.

PRODUCT: 74 100-pound bags of dextrose sugar at Memphis, Tenn., in the possession of the Poston Warehouse.

The article was stored under insanitary conditions after shipment. Rodent pellets were observed on the bags, and some of the bags were rodent-gnawed. Examination showed that the article contained rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 30, 1944. The Seven-Up Memphis Co., Inc., Memphis, Tenn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned by refining, under the supervision of the Federal Security Agency.

7481. Adulteration of marshmallow topping. U. S. v. 40 Cans of Marshmallow Topping. Default decree of condemnation and destruction. (F. D. C. No. 13079. Sample No. 52399-F.)

LIBEL FILED: July 28, 1944, District of New Hampshire.

ALLEGED SHIPMENT: On or about April 15, 1944, by the Lincoln Fruit & Syrup Co., from Lawrence, Mass.

PRODUCT: 40 1-gallon cans of marshmallow topping at Manchester, N. H.

Examination showed that the product was fermented.

LABEL, IN PART: (Cans) "Lincoln One Gallon Marshmallow Topping."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: September 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS

7482. Adulteration of almonds. U. S. v. 17 Bags of Almonds. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14480. Sample No. 89746-F.)

LIBEL FILED: November 15, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 27, 1944, from Philadelphia, Pa.

PRODUCT: 17 200-pound bags of almonds at St. Louis, Mo., in the possession of the Tyler Warehouse and Cold Storage Co. The product had been stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets were observed on them. Examination showed that the product contained rodent pellets, rodent hairs, and rodent-gnawed almonds.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 12, 1944. The National Candy Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was reconditioned by eliminating all unfit material.

7483. Adulteration of shelled peanuts. U. S. v. 148 Sacks and 142 Bags of Shelled Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 14114, 14141. Sample Nos. 90097-F, 90098-F.)

LIBEL FILED: October 23, 1944; amended libel filed October 26, 1944, Southern District of Iowa.

ALLEGED SHIPMENT: On or about March 1 and April 12, 1944, by the C. S. Carter Shelling Plant, Camilla, Ga., and Swift & Co. Oil Mill, Albany, Ga.

PRODUCT: 148 sacks, each containing approximately 110 pounds, and 142 bags, each containing approximately 120 pounds, of shelled peanuts at Des Moines, Iowa.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, cast skins, and insect excreta.

DISPOSITION: October 30, 1944. The Peanut Products Co., Des Moines, Iowa, claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be processed into peanut oil and peanut cake and meal, under the supervision of the Food and Drug Administration, the oil to be refined and the cake and meal to be used as livestock feed.

7484. Adulteration of shelled peanuts. U. S. v. 57 Bags of Peanuts. Default decree of condemnation and destruction. (F. D. C. No. 14146. Sample No. 75899-F.)

LIBEL FILED: October 28, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about December 1, 1943, by the Columbian Peanut Co., from Pelham, Ga.

PRODUCT: 57 125-pound bags of shelled peanuts at Rochester, N. Y.

LABEL, IN PART: "No. 1 Spanish."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, and a decomposed substance by reason of the presence of moldy and decomposed peanuts.

DISPOSITION: December 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7485. Adulteration of peanuts. U. S. v. 25 Bags of Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14500. Sample No. 89696-F.)

LIBEL FILED: November 21, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 1, 1943, by the American Peanut Corporation, from Suffolk, Va.

PRODUCT: 25 bags, each containing approximately 90 pounds, of peanuts at St. Louis, Mo.

LABEL, IN PART: "Extra Large Jumbo Fancy Hand Picked Virginia Buster Brand Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested peanuts.

DISPOSITION: On or about December 15, 1944. Paul Pearlstone, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7486. Adulteration of peanuts. U. S. v. 255 Bags and 20 Bags of Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 13913, 13914. Sample Nos. 96304-F, 96305-F.)

LIBELS FILED: October 12, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 26, 1943, by the Dothan Oil Mill Co., from Dothan, Ala.

PRODUCT: 275 bags, each containing approximately 100 pounds, of peanuts at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, cocoons, insect excreta, and decomposed peanuts.

DISPOSITION: December 14, 1944. The Lion Specialty Co., Chicago, Ill., claimant, having admitted the facts in the libels, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond to be cleaned and pasteurized under the supervision of the Food and Drug Administration.

7487. Adulteration of peanuts. U. S. v. 148 Bags of Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14195. Sample No. 89743-F.)

LIBEL FILED: November 4, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 27, 1944, by the Farmers Cotton and Peanut Co., from Plymouth, N. C.

PRODUCT: 148 100-pound bags of peanuts at St. Louis, Mo.

LABEL, IN PART: "Select Hand Picked Jumbo Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested peanuts, and a decomposed substance by reason of the presence of moldy and decomposed peanuts.

DISPOSITION: On or about December 27, 1944. The Christopher Confectionery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7488. Adulteration of peanut butter. U. S. v. 1 Drum of Peanut Butter. Consent decree of condemnation and destruction. (F. D. C. No. 12816. Sample No. 79461-F.)

LIBEL FILED: June 27, 1944, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about May 25, 1944, by the Old Dominion Peanut Corporation from Norfolk, Va.

PRODUCT: 1 drum containing 504 pounds of peanut butter at Bluefield, W. Va.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellet fragments and insect fragments.

DISPOSITION: July 6, 1944. The owner of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

7489. Adulteration and misbranding of peanut butter. U. S. v. 48 Cases and 86 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 13227. Sample Nos. 69337-F, 69338-F.)

LIBEL FILED: On or about August 21, 1944, District of Montana.

ALLEGED SHIPMENT: On or about January 1, 1944, by the Rainer Packing Co., from Montgomery, Ala.

PRODUCT: 48 cases, each containing 24 jars, and 86 cases, each containing 12 jars, of peanut butter at Billings, Mont.

LABEL, IN PART: "Net Contents 1 Lb. [or "2 Lbs."] Brownee Peanut Butter."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirt.

Misbranding (48 cases), Section 403 (a), the statement "Net Contents 1 Lb." was false and misleading as applied to the article, which was short-weight; and, Section 403 (e) (2), the product was in package form and it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: September 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7490. Adulteration and misbranding of peanut butter. U. S. v. 15½ Cases of Peanut Butter. Default decree of condemnation. Product ordered delivered to the Food and Drug Administration. (F. D. C. No. 11163. Sample No. 41416-F.)

LIBEL FILED: November 23, 1943, Western District of Louisiana.

ALLEGED SHIPMENT: On or about September 24, 1943, by the Texas Peanut Products Co., Houston, Tex.

PRODUCT: 3½ cases, each containing 12 2-pound jars, 4½ cases, each containing 24 1-pound jars, and 7½ cases, each containing 24 12-ounce jars, of peanut butter at DeRidder, La.

LABEL, IN PART: (Jars) "Rich in the B vitamin Tom Sawyer Peanut Butter Salt Added Net Wt. 2 Pounds [or "1 pound," or "¾ Pound"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and insect fragments.

Misbranding, Section 403 (a), the product was short of the declared weight.

DISPOSITION: December 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Food and Drug Administration.

7491. Misbranding of peanut butter. U. S. v. 299 Cases of Peanut Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14197. Sample Nos. 72987-F, 83503-F.)

LIBEL FILED: November 8, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about October 5, 1944, by the Pacific Food Products Co., from Seattle, Wash.

PRODUCT: 299 cases, each containing 24 jars, of peanut butter at San Francisco, Calif.

This product was short-weight.

LABEL, IN PART: "Sunny Jim Brand Peanut Butter."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product was a food in package form, and it failed to bear a label containing an accurate statement of the quantity of contents, since the label statement "Contents 15½ Ozs." was inaccurate.

DISPOSITION: December 15, 1944. American Factors, Limited, having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into conformity with the law, under the supervision of the Food and Drug Administration.

7492. Adulteration of pine nuts. U. S. v. 16 Sacks of Pine Nuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13690. Sample No. 72959-F.)

LIBEL FILED: September 18, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about August 18, 1944, by Freeds Store, from Albuquerque, N. Mex.

PRODUCT: 16 sacks, each containing approximately 80 pounds, of pine nuts at San Francisco, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent and animal excreta pellets.

DISPOSITION: October 7, 1944. The E. M. Hirschfelder Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7493. Adulteration of pine nuts. U. S. v. 48 Bags and 13 Bags of Pine Nuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13690. (F. D. C. Nos. 13039, 13691. Sample Nos. 72960-F, 73236-F.)

LIBELS FILED: July 25 and September 18, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about November 1, 1943, and June 5, 1944, by Gross Kelly and Co., from Gallup, N. Mex.

PRODUCT: 48 75-pound bags, and 13 second-hand bags, each containing approximately 75 pounds, of pine nuts at San Francisco, Calif.

LABEL, IN PART: (Portion, bag) "A. A. Co 240 Drum St Frisco."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of animal excreta pellets.

DISPOSITION: August 7 and October 26, 1944. Albert Asher and the Martin Donig Nut Co., San Francisco, Calif., having appeared as claimants for the respective lots, judgments of condemnation were entered and the product was ordered released under bond to be brought into conformance with the law, under the supervision of the Food and Drug Administration. The nuts were segregated and cleaned, and the rejected portion was destroyed.

7494. Adulteration of shelled walnuts. U. S. v. 5 Cartons of Shelled Walnuts. Default decree ordering product disposed of for animal feed. (F. D. C. No. 13201. Sample No. 60566-F.)

LIBEL FILED: August 8, 1944, District of Utah.

ALLEGED SHIPMENT: On or about July 18, 1944, by the Pacific Coast Nut House, San Jose, Calif.

PRODUCT: 5 30-pound cartons of shelled walnuts at Salt Lake City, Utah.

LABEL, IN PART: "California Shelled Walnuts * * * Salted Bakers Granules."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, larva fragments, and insect fragments.

DISPOSITION: September 30, 1944. No claimant having appeared, judgment was entered ordering that the product be disposed of as hog feed.

OILS AND FATS

7495. Adulteration and misbranding of French style dressing. U. S. v. 17 Cases of Dressing. Default decree of condemnation and destruction. (F. D. C. No. 13669. Sample No. 68134-F.)

LABEL FILED: September 13, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about June 30 and July 29, 1944, by the Tally-Ho Kitchens, Cedar Falls, Iowa.

PRODUCT: 17 cases, each containing 24 1-pint jars, of French style dressing at East Cleveland, Ohio.

LABEL, IN PART: "Tally-Ho Dressing French Style * * * Contains * * * Salad Oil (Corn, Mineral and Cottonseed)."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, edible oil, had been in part omitted from the article; and, Section 402 (b) (2), an article containing mineral oil and less edible vegetable oil than French style dressing contains had been substituted in whole or in part for French style dressing.

Misbranding, Section 403 (a), the label statement, "Dressing French Style," was false and misleading as applied to the article, which contained mineral oil and only 5 percent of edible vegetable oil; and the label statement "Salad Oil" was false and misleading since mineral oil is not a salad oil.

DISPOSITION: October 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7496. Adulteration of edible oil. U. S. v. 8 Jugs of Oil. Default decree of condemnation. Product ordered sold to a rendering plant. (F. D. C. No. 13057. Sample No. 52660-F.)

LABEL FILED: July 26, 1944, District of New Hampshire.

ALLEGED SHIPMENT: On or about June 19, 1944, by the Electriccooker Sales, Inc., c/o John W. Leavitt Co., Boston, Mass.

PRODUCT: 8 1-gallon jugs of oil at Manchester, N. H.

Analysis showed that the product consisted essentially of cottonseed oil with a very small amount of peanut and olive oils.

LABEL, IN PART: "Nut Cooking Oil * * * A Blend of Refined Vegetable Oil and Olive Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in part omitted; and, Section 402 (b) (2), a substance consisting essentially of cottonseed oil with very small amounts of peanut and olive oils had been substituted in whole or in part for a mixture of vegetable oil and a substantial quantity of olive oil, which the article was represented to be.

Misbranding, Section 403 (a), the label statement, "A Blend of Refined Vegetable Oil and Olive Oil," was misleading since it implied that the article contained a substantial amount of olive oil; and, Section 403 (i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient, since "Refined Vegetable Oil" is not the common or usual name of cottonseed and peanut oils.

DISPOSITION: October 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to a rendering plant.

7497. Adulteration and misbranding of edible oil. U. S. v. 30 Cans of Oil. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 13609. Sample No. 82315-F.)

LABEL FILED: September 6, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about June 20, 1944, by the Caruso Products Distributing Corporation, Newark, N. J.

PRODUCT: 31 1-gallon cans of oil at New York, N. Y.

LABEL, IN PART: "Sublime Product Extra Fine Oil Signora Brand Pure Oil Corn and Olive Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), an artificially flavored mixture of corn and cottonseed oils, containing little, if any, olive oil, had been substituted in whole or in part for corn and olive oil, which the article was represented to be.

Misbranding, Section 403 (a), the statement "Corn and Olive Oil" was false and misleading as applied to an artificially flavored mixture of corn and cottonseed oils containing little, if any, olive oil; Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient; and, Section 403 (k), it contained artificial flavoring and failed to bear labeling which stated that fact.

DISPOSITION: On or about October 10, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

7498. Adulteration and misbranding of edible oil. U. S. v. 165 Cans of Oil. Default decree of condemnation. Product ordered sold for use in the war effort. (F. D. C. Nos. 12188, 12299. Sample Nos. 50357-F, 50377-F.)

LABEL FILED: April 15, 1944, Southern District of Ohio; amended libel filed May 1, 1944.

ALLEGED SHIPMENT: On or about October 4, 1943, and March 15, 1944, by the Keystone Grocery Distributing Co. of Pittsburgh, Inc., Pittsburgh, Pa.

PRODUCT: 165 1-gallon cans of oil at Steubenville, Ohio.

LABEL, IN PART: "Fortebraccio Brand 80% Cottonseed and Corn Oils 20% Pure Olive Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), the article consisted essentially of artificially flavored cottonseed oil and some corn oil, with little or no olive oil.

Misbranding, Section 403 (a), the statement on the label, "80% Cottonseed and Corn Oils 20% Pure Olive Oil," was false and misleading; and, Section 403 (f), the label contained representations in a foreign language, Italian, and the statement of the quantity of contents and the list of ingredients, required by law to appear on the label, did not appear thereon in the foreign language.

DISPOSITION: September 29, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. An amended decree was entered on October 25, 1944, ordering that the product be disposed of to the local fat salvage committee.

7499. Adulteration and misbranding of edible oil. U. S. v. 37 Cans of Oil (and 1 other seizure action against oil). Decrees of condemnation. Portion of product ordered sold; remainder ordered released under bond. (F. D. C. Nos. 12189, 12308. Sample Nos. 51956-F, 52216-F, 52217-F.)

LABELS FILED: April 14 and May 5, 1944, Districts of Maine and Rhode Island.

ALLEGED SHIPMENT: Between the approximate dates of June 15, 1943, and February 15, 1944, by the Catania Importing Co., Inc., from Boston, Mass.

PRODUCT: 37 1-gallon cans at Portland, Maine, and 15 cases and 5 cases, each containing 6 1-gallon cans, of oil at Pawtucket, R. I.

LABEL IN PART: (Cans) "La-Spagnola Brand Oil," or "La Purissima Brand Family Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a substance consisting essentially of cottonseed oil, with little or no olive oil, had been substituted for (La-Spagnola Brand) 85 percent cottonseed salad oil and 15 percent virgin olive oil, or (La Purissima Brand) 78 percent cottonseed oil and 22 percent olive oil, which the products were represented to be.

Misbranding, Section 403 (a), the statements on the labels, (La-Spagnola Brand) "85% Choice Cottonseed Salad Oil, 15% Virgin Olive Oil," or (La Purissima Brand) "78% High Grade Cotton Seed Oil and 22% First Grade Pure Imported Virgin Italian Olive Oil," were false and misleading as applied to articles consisting essentially of cottonseed oil with little or no olive oil; and, Section 403 (f), (La Purissima Brand only) the label contained representations in a foreign language, Italian, and the statement of the quantity of contents

and the common or usual name of each ingredient did not appear on the label in the foreign language.

DISPOSITION: January 4, 1945. No claimant having appeared for the lot at Portland, judgment of condemnation was entered and the product was ordered destroyed, with the exception of one can, which was ordered delivered to the Food and Drug Administration. On February 2, 1945, an amended decree was entered providing for the sale of the product. It was delivered to a rendering company on condition that the oil be removed from the original cans and mixed with other salvage fats. On January 10, 1945, the Catania Importing Co., Inc., claimant for the lots at Pawtucket, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled or repacked under the supervision of the Food and Drug Administration.

7500. Misbranding of olive oil. U. S. v. 6 Cases and 240 Cases of Olive Oil. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 12699, 12843. Sample Nos. 60645-F, 82262-F.)

LABELS FILED: June 26 and July 3, 1944, District of Nevada and Southern District of New York.

ALLEGED SHIPMENT: From on or about April 26 to May 25, 1944, by the Supreme Olive Oil Corporation, San Fernando, Calif.

PRODUCT: 240 cases, each containing 24 bottles, at New York, N. Y., and 6 cases, each containing 12 bottles, of olive oil at Reno, Nev.

LABEL, IN PARTS (Bottles) "Benedetto Pure California Olive Oil Contents 8 Fl. Oz. [or "Net Contents One Quart"]."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements "Net Contents One Quart," or "Contents 8 Fl. Oz.," were false and misleading as applied to the article, which was short-volume; and, Section 403 (e) (2), the article was in package form and it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 9 and September 9, 1944. Joseph Victori & Co., Inc., New York, N. Y., claimant for the New York lot, and the Supreme Olive Oil Corporation, claimant for the Reno lot, having admitted the allegations of the respective libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the New York lot be refilled to the declared volume and the Reno lot be relabeled under the supervision of the Federal Security Agency.

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Brewers' flakes	7450-7452	Macaroni and spaghetti products	7351,
grits	7452-7455		7352, 7354-7357
rice	7456	Malt adjunct	7441
Bromated flour	7397, 7398	Maple, sirup	7474
Cake meal	7439	squares	7468
Cakes, cookies, and wafers	7358-7362,	Marshmallow topping	7481
	7364	Matzo products	7439
Candy and confections	7465-7468	Milo meal	7443
Cereals and cereal products	7351-7464	Muffin mixes	7463
Chocolate	7469, 7470	Noodles, egg	7352, 7353
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Cocoa	7473	Oils and fats	7495-7500
Cookies. See Cakes, cookies, and		Olive oil	7496-7500
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Corn, flour	7399	and biscuit, phosphated	7405
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meal	7365-7371	butter	7488-7491
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Cracker meal	7439	pastry and biscuit	7405
Dextrose sugar	7479	Pie(s)	7363
Doughnut mix	7463	crust dough	7363
Enriched flour	7400, 7401	Pine nuts	7492, 7493

	N. J. No.		N. J. No.
Piñon nuts. <i>See</i> Pine nuts.		Soy bean grits	7434
Popcorn	7444-7448	flour	7431-7435
Rice	7457	Soyflake flour	7435
brewers'	7456	Spaghetti dinner	7356, 7357
flour	7417, 7418	<i>See also</i> Macaroni and spaghetti	
grits	7458	products.	
Rye, chops	7462	Sugar	7476-7480
flour	7407, 7419-7422	Topping	7481
Sausage binder	7459-7461	Wafers. <i>See</i> Cakes, cookies, and	
Self-rising flour	7416, 7423-7430	wafers.	
Sirup, cane	7475	Walnuts, shelled	7494
maple	7474	Whole wheat flour	7436-7438

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
A. A. Co. :		Dallas Confectionery Co. :	
pine nuts	7493	Jucee-Chew Confection	7466
Abilene Flour Mills Co. :		Decatur Milling Co., Inc. :	
phosphated flour and self-rising		brewers' grits	7455
flour	7416	Dothan Oil Mill Co. :	
Acme Mills :		peanuts	7486
self-rising flour, plain flour, and		Doughnut Corp. of America :	
phosphated flour	7428	corn muffin mix and bran muffin	
Alto Products Co. :		mix	7463
alimentary pastes	7351	Dyer, J. E., & Co. :	
American Peanut Corp. :		pastry flour, plain flours, and rye	
peanuts	7485	flour	7407
American Roland Food Co. :		Eagle Roller Mill Co. :	
maple sirup	7474	rye flour and plain flour	7422
Anchor Mills, Inc. :		Earle Mill & Elevator Co. :	
rye chops	7462	corn meal	7369
Arkansas City Flour Mills :		Eckhart, B. A., Milling Co. :	
self-rising flour and plain flour	7429	bromated flour	7397
Arnold Milling Co. :		Electricooker Sales, Inc. :	
flour	7389	edible oil	7496
Atkinson Milling Co. :		Empire Milling Co. :	
flour	7386	flour	7388
Atlantic Co. Brewery :		Evans Milling Co. :	
sugar	7476	brewers' flakes, yellow corn grits,	
Baker's Food Markets :		and brewers' grits	7452
flour	7413	Farmers Cotton and Peanut Co. :	
Ballard & Ballard Co. :		peanuts	7487
self-rising flour	7424	Forbes Brothers Central Mills :	
Blair Milling Co. :		corn flour	7399
flour	7377	Fort Collins Milling Co. :	
Brewster Ideal Chocolate Co. :		self-rising flour	7426
chocolate	7469	Fredericktown Milling Co. :	
Buhler Mill & Elevator Co. :		self-rising flour	7425
pastry and biscuit flour	7405	Frees Store :	
Canadian Mill and Elevator Co. :		pine nuts	7492
phosphated flour and plain flour	7414	Friedman, E. H. :	
Candy House, The :		Matzo meals	7439
candy	7465	Friedman, B. C., & Sons, Inc. :	
Cannon Valley Milling Co. :		Matzo meals	7433
flour	7378	General Mills Co. :	
Carter, C. S. Shelling Plant :		flour	7372
shelled peanuts	7483	Globe Milling Co. :	
Caruso Products Distributing Corp. :		rye flour	7419
edible oil	7497	Goble, M. T. :	
Catania Importing Co., Inc. :		popcorn	7448
edible oil	7499	Goldblatt Bros., Inc. :	
Central Soya Co., Inc. :		pastry flour and plain flour	7406
soy flour	7433	Griffith Laboratories :	
Century Milling Co. :		sausage flour	7460
rye flour	7420	Grosjean, C. E., Rice Milling Co. :	
Champion Rice Mills :		rice flour	7418
rice flour	7417	Gross Kelly and Co. :	
Champion Wafer Co. :		pine nuts	7493
sweet chocolate	7470	Heller, B., & Co. :	
Chesapeake Baking Co. :		sausage binder flour	7461
fruit cake	7359	Higginsville Flour Mill :	
Collins Flour Mills, Inc. :		flour	7429
pastry flour	7403	Hincke, Ismert, Milling Co. <i>See</i> Is-	
Columbian Peanut Co. :		mert Hincke Milling Co.	
shelled peanuts	7484	Houston Milling Co. :	
Connecticut Pie Co. :		Arrow Degerminated XX Malt Ad-	
apple pies, French apple pies, and		junct	7441
pie crust dough	7363	Huff & Cook, Inc. :	
Continental Baking Co. :		flour	7395
soy flour	7431	Illinois Cereal Mills, Inc. :	
Continental Grain Co. :		brewers' flakes	7450
milo meal	7443	corn meal	7367
Crown Confections :		Ismert Hincke Milling Co. :	
maple squares	7468	flour	7380
Dad's Quality Syrup Co. :		Jacobs, C. E., Packing Co. :	
cane sirup	7475	spaghetti dinner	7356

	N. J. No.		N. J. No.
Jennison, W. J., Co.:		Rainer Packing Co.:	
flour-----	7390	peanut butter-----	7489
Johnson Biscuit Co.:		Ralston Purina Co.:	
cookies-----	7360	whole wheat flour-----	7436
Kansas Milling Co.:		Rickert Rice Mills:	
flour-----	7373	rice grits-----	7458
Keeley Brewing Co.:		Riverview Mills Co.:	
pearled barley-----	7449	flour-----	7384
Kelly, Gross, and Co. <i>See</i> Gross		Robbins Warehousing and Distribu-	
Kelly and Co.		ting Co.:	
Keystone Grocery Distributing Co. of		sugar-----	7477
Pittsburgh, Inc.:		Robinson Milling Co.:	
edible oil-----	7498	phosphated flour-----	7412
Kimbell Milling Co.:		Rockwood & Co.:	
brewers' grits-----	7453, 7454	chocolate liquor-----	7472
King, H. H., Flour Mills Co.:		Rose Warehouse Co.:	
flour-----	7382	sausage binder-----	7459
King Midas Mill Co.:		Royale Popcorn Co.:	
flour-----	7396	cocoa-----	7473
Krause, Charles A., Milling Co.:		San Martin Foods Co.:	
corn grits-----	7442	egg noodles-----	7353
meal-----	7371	Shawnee Milling Co.:	
Krikorian, T. J., & Sons:		flour, plain-----	7379, 7430
brewers' rice-----	7456	self-rising-----	7430
Leavitt, John W., Co.:		Skinner Manufacturing Co.:	
edible oil-----	7496	macaroni-----	7354
Lincoln Fruit & Syrup Co.:		Slater Mill & Elevator Co.:	
marshmallow topping-----	7481	flour-----	7387
Luden's, Inc.:		Southern Feed and Grocery Co.:	
candy-----	7467	self-rising flour-----	7423
Lysle, J. C., Milling Co.:		Southern Pacific Warehouse (Haslett	
phosphated flour and plain flour---	7415	Warehouse Co.):	
Manchester Biscuit Co.:		pastry flour-----	7409
oatmeal cookies and vanilla wafers---	7362	Spencer-Kellogg and Sons, Inc.:	
Manley, Inc.:		flour, soy-----	7434
popcorn-----	7445-7447	soyflake-----	7435
Megs Macaroni Co.:		soy bean grits-----	7434
macaroni-----	7355	Spokane Flour Mills Co.:	
Merchants Biscuit Co., Division of		pastry flour-----	7402
United Biscuit Co. of America.		Springfield Flour Mills:	
<i>See</i> United Biscuit Co. of Amer-		whole wheat flour-----	7437
ica.		Stafford County Flour Mills Co.:	
Midland Flour Milling Co.:		flour-----	7375
flour-----	7376	Staley, A. E., Mfg. Co.:	
Moore Lowry Flour Mills Co.:		soy flour-----	7432
enriched flour-----	7400	Standard Milling Co.:	
Mount Vernon Milling Co.:		bromated flour and plain flour---	7398
brewers' flakes-----	7451	pastry flour-----	7404
Musolino Lo Conte Co.:		Stein-Hall Manufacturing Co.:	
egg noodles-----	7353	flour, rice-----	7417
National Food Products Co.:		Lacdex-----	7440
spaghetti dinner-----	7357	Supreme Bakers:	
Neosho Milling Co.:		wafers-----	7364
corn meal-----	7366	Supreme Olive Oil Corp.:	
Newton Milling Co.:		olive oil-----	7500
phosphated flour-----	7410	Swift & Co. Oil Mill:	
Norris Grain Co.:		shelled peanuts-----	7483
corn meal-----	7368	Tally-Ho Kitchens:	
North Dakota Mill & Elevator Co.:		French style salad dressing-----	7495
flour-----	7391	Tennant & Hoyt Co.:	
O. K. Mills:		flour-----	7381
self-rising flour-----	7424	Terminal Refrigerating and Ware-	
Old Dominion Peanut Corp.:		housing Corp.:	
peanut butter-----	7488	popcorn-----	7444
Pacific Coast Nut House:		Texas Peanut Products Co.:	
shelled walnuts-----	7494	peanut butter-----	7490
Pacific Food Products Co.:		Texas Star Flour Mills:	
peanut butter-----	7491	flour-----	7392
Page, Thomas, Milling Co.:		Thompson, G. H.:	
flour-----	7385	candy bars-----	7465
Philadelphia Cracker Meal Co.:		Thompson's Candy House. <i>See</i>	
cracker meal-----	7439	Thompson, G. H.	
Pillsbury Flour Mills Co.:		Tiffany Extract Co.:	
flour, plain-----	7383	maple sirup-----	7474
rye-----	7421	Tyler Warehouse and Cold Storage	
Pinnola, Joseph:		Co.:	
alimentary pastes-----	7351	almonds-----	7482
Planada Packers:		Union Mill Co.:	
dextrose sugar-----	7479	enriched flour-----	7400
Plymouth Cereal Mills:		United Biscuit Co. of America:	
corn meal-----	7365	wafers-----	7364
Poston Warehouse:		Valier & Spies Milling Co.:	
flour, pastry and whole wheat-----	7438	enriched flour-----	7401
sugar, corn-----	7478	Virginia Carolina Wholesale Co.:	
dextrose-----	7480	flour-----	7394
Quaker Oats Co.:		Vittoria Macaroni Co. <i>See</i> Pinnola,	
self-rising, phosphated, and plain		Joseph.	
flour-----	7427		

	N. J. No.		N. J. No.
Viviano, V., & Bros. Macaroni Manu- facturing Co., Inc.:		Whiteway Bakeries:	
alimentary pastes-----	7352	pastry flour and plain flour-----	7408
Wachtering, Frank:		Wolf Milling Co.:	
doughnut mix-----	7464	flour-----	7374
Wall-Rogalsky Milling Co.:		Woodward & Lothrop:	
corn meal-----	7370	fruit cake-----	7359
Walnut Creek Milling Co.:		Workman Packing Co.:	
phosphated flour-----	7411	flour-----	7393
Warfield Chocolate Division of the Warfield Co.:		Yur-Favorit Cake Co.:	
chocolate liquor-----	7471	cake-----	7358
Western Star Mill Co.:		Zatal, R., Foods, Inc.:	
phosphated flour and plain flour--	7413	cookies-----	7361

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

7501-7700

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., June 7, 1945.

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CEREALS AND CEREAL PRODUCTS

ALIMENTARY PASTES*

7501. Adulteration of egg noodles. U. S. v. Nellie E. Lyon (Mrs. Kelley's Noodle Kitchen). Plea of guilty. Fine, \$200 on each of 2 counts; sentence on count 2 suspended. (F. D. C. No. 11431. Sample Nos. 1457-F, 1458-F, 59428-F.)

INFORMATION FILED: July 18, 1944, Southern District of Ohio, against Nellie E. Lyon, trading as Mrs. Kelley's Noodle Kitchen, Dayton, Ohio.

ALLEGED SHIPMENT: Between the approximate dates of September 14 and November 13, 1943, from the State of Ohio into the States of Indiana and Michigan.

LABEL, IN PART: "Perfect's * * * Brand * * * Egg Noodles * * * Packed for A. H. Perfect & Co. Inc. Ft. Wayne, Ind. Sturgis, Mich."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, fragments of hairs resembling rodent hairs, and rodent hair frag-

*See also No. 7698.

ments; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 30, 1944. A plea of guilty having been entered, the defendant was fined \$200 on each of 2 counts. The sentence on the second count was suspended, making a total fine of \$200.

7502. Adulteration of egg noodles. U. S. v. 293 Cases of Noodles. Default decree of condemnation. Product ordered delivered to a Federal institution, for use as hog feed. (F. D. C. No. 13854. Sample No. 81879-F.)

LIBEL FILED: On or about October 3, 1944, District of Connecticut.

ALLEGED SHIPMENT: July 28 and August 14 and 26, 1944, by Meyer's Egg Noodle Co., from Glendale, Long Island, N. Y.

PRODUCT: 117 cases, each containing 24 8-ounce cellophane bags, 67 cases, each containing 12 12-ounce cellophane bags, and 109 cases, each containing 12 1-pound cellophane bags, of noodles, at West Haven, Conn.

LABEL, IN PART: (Bags) "Dutch Maid * * * Pure Egg Noodles * * * Distributed by Pfrang, Inc. West Haven, Conn."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as hog feed.

7503. Adulteration and misbranding of egg noodles. U. S. v. 12 Cases and 6 Cases of Egg Noodles (and 1 other seizure action against egg noodles). Default decrees of condemnation. Portion of product ordered delivered to charitable institutions; remainder ordered destroyed. (F. D. C. Nos. 12853, 13848. Sample Nos. 81611-F, 81615-F to 81617-F, 81880-F.)

LIBEL FILED: On or about July 5 and October 3, 1944, District of New Jersey and District of Connecticut.

ALLEGED SHIPMENT: From on or about April 13 to August 29, 1944, by the Chasin Noodle Co., from Brooklyn, N. Y.

PRODUCT: 65 dozen 16-ounce packages and 86 dozen 8-ounce packages of egg noodles, 52 12-pound cartons of egg noodles and spaghetti, and 14 12-pound cartons of egg noodles and spaghetti, at Jersey City, N. J.; and 12 cases, each containing 24 8-ounce cartons, and 6 cases, each containing 12 1-pound cartons, of egg noodles at Bridgeport, Conn.

This product contained 2 percent or less of egg solids. Egg noodles, according to trade and consumer understanding, contain 5.5 percent of egg solids.

LABEL, IN PART: "Chasin's Pure Egg Noodles."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, eggs, had been in whole or in part omitted from the article; and (portion), Section 402 (b) (2), alimentary pastes deficient in egg solids had been substituted in whole or in part for pure egg noodles or pure egg noodle product, which the article was represented to be.

Misbranding, Section 403 (a), the names, "Pure Egg Noodles," "Pure Egg Noodles and Semolina Spaghetti * * * Barley," "Pure Egg Noodles and Semolina Spaghetti * * * Toasted Barley," and "Pure Egg Noodles and Semolina Spaghetti * * * Flakes," were false and misleading as applied to alimentary pastes which were deficient in egg solids; and (portion), Section 403 (b), the products were offered for sale under the name of another food.

DISPOSITION: October 16 and December 4, 1944. No claimant having appeared, judgments of condemnation were entered and the lot at Bridgeport, Conn., was ordered delivered to a charitable institution after withdrawal of samples by the Food and Drug Administration, and the lot at Jersey City was ordered destroyed.

7504. Misbranding of egg noodle and cheese dinner. U. S. v. 19 Cases of Egg Noodle and Cheese Dinner. Default decree of condemnation. Product ordered delivered to public institutions. (F. D. C. No. 14386. Sample No. 74349-F.)

LIBEL FILED: November 14, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about October 12, 1944, by the Superior Macaroni Co., Los Angeles, Calif.

PRODUCT: 19 cases, each containing 24 packages, of egg noodle and cheese dinner at Phoenix, Ariz.

LABEL, IN PART: (Packages) "Superio Egg Noodle and Cheese Dinner 5 oz. Egg Noodles, 1¼ oz. Grated American Cheese."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading since there was an excessive amount of unfilled space in the package.

DISPOSITION: January 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to public institutions.

7505. Adulteration of macaroni and vermicelli. U. S. v. 11 Cases of Macaroni and Vermicelli. Default decree of condemnation and destruction. (F. D. C. No. 14181. Sample Nos. 74541-F, 74543-F.)

LIBEL FILED: November 3, 1944, District of Montana.

ALLEGED SHIPMENT: On or about October 13, 1944, by the Favro Macaroni Manufacturing Co., from Seattle, Wash.

PRODUCT: 11 20-pound cases of macaroni and vermicelli at Anaconda, Mont.

LABEL, IN PART: "Lombardi Gro Anaconda WAS 100% Semolina Sedani [or "Long Capellini"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, insect fragments, larvae, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7506. Misbranding of alimentary paste. U. S. v. 5 Cases of Alimentary Paste. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 13785. Sample No. 57334-F.)

LIBEL FILED: September 20, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about June 1, 1944, by V. LaRosa & Sons, Inc., from Brooklyn, N. Y.

PRODUCT: 5 cases, each containing 20 1-pound cartons, of alimentary paste at North Bergen, N. J.

LABEL, IN PART: (Cartons) "LaRosa Grade A Lasagne No. 123 Made from No. 1 Semolina * * * Macaroni Products."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading since the alimentary paste occupied less than 40 percent of the volume of the carton.

DISPOSITION: November 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization after destruction of the labels as directed by the Food and Drug Administration.

BAKERY PRODUCTS*

7507. Adulteration of bread. U. S. v. Continental Baking Co., Inc. (Certified Bakery Continental Baking Co.). Plea of guilty. Fine, \$1,000. (F. D. C. No. 12585. Sample Nos. 79301-F, 79302-F, 79309-F.)

INFORMATION FILED: November 9, 1944, District of Columbia, against the Continental Baking Co., Inc., trading as the Certified Bakery Continental Baking Co. at Washington, D. C.; charging that the defendant, on or about March 15 and 16, 1944, unlawfully manufactured and introduced into interstate commerce in the District of Columbia a quantity of bread that was adulterated.

LABEL, IN PART: (Portions, wrappers) "Sliced Certified Balanced Blend Wheat Bread."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, hairs resembling rodent hairs, larva head capsules, and one larva; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

*See also No. 7560.

DISPOSITION: November 9, 1944. A plea of guilty having been entered on behalf of the defendant, a fine of \$1,000 was imposed, to run concurrently on each of the 3 counts, a total fine of \$1,000.

7508. Adulteration of fruit cake. U. S. v. 96 Cakes, 180 Cakes, and 197 Cakes. Default decrees of condemnation. Portion of product ordered delivered to the National Zoological Park, for use as animal feed; remainder ordered destroyed. (F. D. C. Nos. 14654, 14655. Sample Nos. 92863-F, 92864-F.)

LIBELS FILED: December 15 and 26, 1944, District of Columbia and Eastern District of Virginia.

ALLEGED SHIPMENT: On or about October 27 and November 6, 1944, by the Chesapeake Baking Co., from Baltimore, Md., to Fort Meyer, Va. A portion was transferred from Fort Meyer, Va., to Washington, D. C., on or about November 17, 1944.

PRODUCT: 96 2-pound cakes and 180 3-pound cakes at Fort Meyer, Va., and 197 5-pound cakes at Washington, D. C.

LABEL, IN PART: (Tags) "High Grade Fruit Cake."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 4 and 22, 1945. No claimant having appeared, judgments of condemnation were entered and the lot at Washington was ordered delivered to the National Zoological Park, for use as animal feed, and the lots at Fort Meyer were ordered destroyed.

7509. Adulteration of soda crackers. U. S. v. 31 Cases and 77 Cases of Soda Crackers. Default decree ordering the product destroyed or reprocessed for use as animal feed. (F. D. C. Nos. 13742, 13907. Sample Nos. 87526-F, 87540-F.)

LIBEL FIELD: September 26 and October 5, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about July 17, 1944, by the Johnson Biscuit Co., from Sioux City, Iowa.

PRODUCT: 31 cases and 77 cases, each containing 18 2-pound boxes, at Detroit Lakes and Crookston, Minn., respectively.

LABEL, IN PART: "Slightly Salted * * * Our Family Soda Crackers."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On or about November 24, 1944. No claimant having appeared, judgment was entered ordering that the product be destroyed or reprocessed and disposed of as animal feed by the United States marshal, under the supervision of the Food and Drug Administration.

7510. Adulteration of doughnuts and coffee buns. U. S. v. James G. Maselas (Washington Doughnut Co.). Plea of guilty. Fine, \$1,000. (F. D. C. No. 14221. Sample Nos. 79539-F, 79541-F.)

INFORMATION FILED: January 6, 1945, District of Columbia, against James G. Maselas, trading as the Washington Doughnut Co., Washington, D. C.; charging that the defendant, on or about May 31, 1944, unlawfully caused to be manufactured within the District of Columbia a quantity of the above-mentioned bakery products which were adulterated.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of insect fragments, a storage larva, larvae cast skins, a head capsule, rodent hair fragments, and a hair resembling a cat hair; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 6, 1945. A plea of guilty having been entered, the defendant was fined \$1,000.

7511. Adulteration of pies. U. S. v. Yung & Mueller Bakery Co. and Conrad William Walters. Pleas of guilty. Corporation fined \$750; individual fined \$300. (F. D. C. No. 11412. Sample Nos. 62727-F, 62729-F, 62730-F.)

INFORMATION FILED: June 14, 1944, Eastern District of Missouri, against the Yung & Mueller Bakery Co., a corporation, St. Louis, Mo., and Conrad William Walters, general manager and secretary-treasurer of the corporation.

ALLEGED SHIPMENT: On or about December 4, 1943, from the State of Missouri into the State of Illinois.

LABEL, IN PART: (Portion) "De Luxe Y & M * * * Mincee."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, a hair resembling a cat hair, and a cat hair fragment; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 30, 1944. Pleas of guilty having been entered, the corporation was fined \$250 on each of 3 counts, a total fine of \$750; and the individual defendant was fined \$100 on each of the 3 counts, a total fine of \$300.

7512. Adulteration of cheese chips and graham wafers. U. S. v. The Laurel Biscuit Co. Plea of guilty. Fine, \$800 on 7 counts; fine of \$800 on count 8 suspended. (F. D. C. No. 11421. Sample Nos. 46681-F to 46683-F, incl., 48745-F, 50214-F, 50215-F, 57447-F, 57448-F.)

INFORMATION FILED: August 7, 1944, Southern District of Ohio, against the Laurel Biscuit Co., a corporation, Dayton, Ohio.

ALLEGED SHIPMENT: Between the approximate dates of September 10 and November 2, 1943, from the State of Ohio into the States of Michigan, Pennsylvania, New York, and Indiana.

LABEL, IN PART: "Laurel Graham Wafers [or "Cheese Chips"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments, hair fragments resembling rodent hairs, insect fragments, an insect head capsule, and an insect; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 30, 1944. A plea of guilty having been entered, the defendant was fined \$100 on each of the first 6 counts, \$200 on count 7, and \$800 on count 8. The fine on count 8 was suspended upon the condition that within 60 days the defendant remedy the situation existing at its plant.

FLOUR

Nos. 7513 to 7528 and 7531 to 7536 report actions involving flour that was contaminated with one or more of the following types of filth: Insects, insect fragments, larvae, cast skins, webbing, rodent hairs and hair fragments, rodent excreta, and urine. (In those cases in which the time of contamination is known that fact is stated in the notice of judgment.) In addition, the flour reported in Nos. 7529 and 7530 failed to meet the standard for enriched flour.

7513. Adulteration of flour. U. S. v. 887 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 13919. Sample Nos. 61904-F, 61905-F.)

LIBEL FILED: October 7, 1944, Western District of Louisiana.

ALLEGED SHIPMENT: On or about May 6, 1944, by the Western Star Mill Co., Salina, Kans.

PRODUCT: 552 5-pound bags and 335 10-pound bags of flour at Lafayette, La.

LABEL, IN PART: "Golden Star Family Flour Bleached Enriched," or "Bleached Elephant Flour Enriched."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: January 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7514. Adulteration of flour. U. S. v. 47 Bags and 43 Bags of Flour (and 2 other seizure actions against flour). Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 13880, 13887, 14172. Sample Nos. 89650-F, 89652-F, 89658-F, 90125-F.)

LIBELS FILED: On or about October 3 and November 10, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: Between the approximate dates of September 11, 1943, and June 10, 1944, by the Standard Milling Co., Kansas City, Mo.

PRODUCT: 47 50-pound bags and 43 25-pound bags of flour at Springdale, Ark.; 121 50-pound bags of flour at Rogers, Ark.; and 72 50-pound bags of flour at Paris, Ark.

LABEL, IN PART: "May Flower Enriched [or "Sally Baker Extra"] High Patent Flour Bleached," or "Fancy Short Patent Eskimo Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance since it contained weevils, larvae, insect fragments, and cast skins.

DISPOSITION: January 15 and 29, 1945. The Gordon Hixson Wholesale Grocer Co. and the Springdale Electric Hatchery having appeared as claimants for the lots at Paris and Springdale, respectively, judgments of condemnation were entered and the product was ordered released under bond to be denatured, under the supervision of the Food and Drug Administration, so that it could not be used for human consumption. On December 19, 1944, no claimant having appeared for the remaining lot, judgment of condemnation was entered and the product was ordered destroyed.

7515. Adulteration of flour. U. S. v. 20 Sacks of Flour. Default decree of condemnation. Product ordered delivered to a Federal institution, for use as stock feed. (F. D. C. No. 13035. Sample No. 60972-F.)

LIBEL FILED: July 22, 1944, Southern District of Alabama.

ALLEGED SHIPMENT: On or about April 27, 1944, by the Acme Flour Mills Co., from Oklahoma City, Okla.

PRODUCT: 20 100-pound sacks of flour at Mobile, Ala.

LABEL, IN PART: (Tag) "Tiger."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, larva cast skins, and insect fragments.

DISPOSITION: November 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as stock feed.

7516. Adulteration of flour. U. S. v. 34 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 13660. Sample No. 74949-F.)

LIBEL FILED: September 16, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about June 7, 1944, by the Montana Flour Mills Co., from Great Falls, Mont.

PRODUCT: 34 100-pound sacks of flour at Portland, Oreg.

LABEL, IN PART: "Sapphire Wheat Meal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of larvae and webbing.

DISPOSITION: November 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7517. Adulteration of flour. U. S. v. 325 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 14616. Sample No. 63812-F.)

LIBEL FILED: December 12, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about March 25 and 29, 1944, by the Moody and Thomas Milling Co., from Shelby, Ohio.

PRODUCT: 325 100-pound bags of flour at Tampa, Fla.

LABEL, IN PART: (Bags) "Bakers Favorite Ohio Winter Wheat Patent Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, weevils, larvae, and insect fragments.

DISPOSITION: January 17, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7518. Adulteration of flour. U. S. v. 508 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for salvage. (F. D. C. No. 14102. Sample Nos. 59889-F, 59891-F.)

LIBEL FILED: November 20, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 20 and May 27, 1943, by the Red River Milling Co., from Fergus Falls, Minn.

PRODUCT: 183 100-pound bags, and 325 98-pound bags of flour, at Chicago, Ill.

LABEL, IN PART: "Monarch First Clear Flour Matured Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, cast skins, and webbing.

DISPOSITION: January 16, 1945. Joseph T. Shuffitowski, Inc., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be salvaged under the supervision of the Food and Drug Administration.

7519. Adulteration of flour. U. S. v. 55 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14143. Sample No. 59898-F.)

LIBEL FILED: November 13, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On December 22, 1943, by Omar, Inc., from Omaha, Nebr.

PRODUCT: 55 100-pound bags of flour at Chicago, Ill.

LABEL, IN PART: "Old Mission."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and webbing.

DISPOSITION: January 3, 1945. Omar, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging the good portion under the supervision of the Food and Drug Administration.

7520. Adulteration of flour. U. S. v. 342 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13879. Sample Nos. 89651-F, 89653-F to 89657-F, incl.)

LIBEL FILED: On or about October 6, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: Between the approximate dates of February 22 and August 24, 1943, by the Rea-Patterson Flour Mills and the More Lowry Flour Mills, Coffeyville, Kans.

PRODUCT: 197 48-pound bags, 43 24-pound bags, 23 50-pound bags, 69 25-pound bags, and 10 100-pound bags of flour at Springdale, Ark.

LABEL, IN PART: "Dandelion," "Sweet Heart," or "Gobbler Brand."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: January 29, 1945. The Springdale Electric Hatchery having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured, under the supervision of the Food and Drug Administration, so that it could not be disposed of for human consumption.

7521. Adulteration of flour. U. S. v. 13 Bags of Flour. Default decree of condemnation. Product ordered sold. (F. D. C. No. 13716. Sample No. 89814-F.)

LIBEL FILED: September 25, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about May 12, 1944, by the Wasco Warehouse Milling Co., from The Dalles, Oreg.

PRODUCT: 13 100-pound bags of flour at Memphis, Tenn.

LABEL, IN PART: (Tag) "Dalles Patent Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, cast skins, and insect fragments.

DISPOSITION: January 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, under the direction of the Federal Security Agency, to be denatured so that it could not be used for human consumption.

7522. Adulteration of flour. U. S. v. 32 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13954. Sample No. 78939-F.)

LIBEL FILED: October 17, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 20, 1944, by the Nappanee Milling Co., from Nappanee, Ind.

PRODUCT: 32 100-pound bags of flour at Chicago, Ill.

LABEL, IN PART: "Happy Day Bleached Flour."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: November 9, 1944. Louis Smoler & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging under the supervision of the Food and Drug Administration. It was converted into animal feed.

7523. Adulteration of flour. U. S. v. 70 Bags and 20 Bags of Flour. Default decrees of condemnation and destruction. (F. D. C. Nos. 14185, 14186. Sample Nos. 59899-F, 59900-F.)

LIBELS FILED: November 16 and 20, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: January 25, 1943, and August 24, 1944, from St. Louis, Mo., and Glencoe, Minn.

PRODUCT: 70 100-pound bags and 20 98-pound bags of flour at Chicago, Ill., in the possession of the North West Warehouse.

This product was stored, after shipment, under insanitary conditions. Some bags were rodent-gnawed, and rodent pellets and urine stains were observed on the bags. Examination showed that the product contained rodent excreta and urine, and that a portion also contained weevils and larvae.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 8 and 17, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

7524. Adulteration of flour. U. S. v. 78 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14953. Sample No. 86589-F.)

LIBEL FILED: On or about January 15, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On October 26, 1944, from Minneapolis, Minn.

PRODUCT: 78 100-pound bags of flour at Chicago, Ill., in the possession of the J. P. Graziano Grocery Co.

This product was stored, after shipment, under insanitary conditions. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on the bags. Examination showed that the product contained rodent pellets.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 12, 1945. The J. P. Graziano Grocery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing and salvaging under the supervision of the Food and Drug Administration.

7525. Adulteration of flour. U. S. v. 115 Bags of Flour. Default decree of condemnation. Product ordered sold. (F. D. C. No. 13701. Sample No. 89817-F.)

LIBEL FILED: September 20, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about July 28, 1944, from Chicago, Ill.

PRODUCT: 115 100-pound bags of flour at Memphis, Tenn., in the possession of the Rose Warehouse Co.

This product was stored, after shipment, under insanitary conditions. The bags were rodent-gnawed, and rodent pellets were observed on the bags. Examination showed that the product contained larvae, cast skins, and rodent excreta pellet fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 29, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, under the direction of the Federal Security Agency, to be denatured so that it could not be disposed of for human consumption.

7526. Adulteration of plain flour. U. S. v. 220 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13700. Sample No. 54653-F.)

LIBEL FILED: On or about September 26, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: July 11, 1944, from Minneapolis, Minn.

PRODUCT: 220 bags, each containing 100 pounds, of flour at Chicago, Ill., in the possession of the Fogel Warehouse.

This product was stored, after shipment, under insanitary conditions. The bags were rodent-gnawed, and rodent pellets were observed on the bags. Examination showed that the product contained rodent pellets.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 6, 1944. The North Shore Flour Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging under the supervision of the Food and Drug Administration.

7527. Adulteration of flour. U. S. v. 77 Sacks of Flour. Default decree of condemnation. Product ordered sold. (F. D. C. No. 13332. Sample No. 58978-F.)

LIBEL FILED: August 10, 1944, District of Maryland.

ALLEGED SHIPMENT: On or about December 15, 1943, from Buffalo, N. Y.

PRODUCT: 77 100-pound sacks of flour at Baltimore, Md., in the possession of B. Green and Co., Inc.

This product had been stored, after shipment, under insanitary conditions. The bags had been gnawed by rodents, and rodent pellets and urine stains were observed. Examination showed that the product contained beetles, larvae, insect and rodent hair fragments, and rodent excreta pellets.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to a feed dealer, for use as animal feed.

7528. Adulteration of flour. U. S. v. 110 Bags and 216 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13440. Sample Nos. 79705-F, 79706-F.)

LIBEL FILED: August 28, 1944, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about December 13, 1943, and April 18, 1944, from Kansas City, Mo.

PRODUCT: 326 25-pound bags of flour, at Charleston, W. Va., in the possession of E. D. Martin and Co.

The article was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination of the flour showed the presence of rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 11, 1944. E. D. Martin and Co., Charleston, W. Va., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be used in the manufacture of animal feed, under the supervision of the Food and Drug Administration.

7529. Adulteration and misbranding of enriched flour. U. S. v. 160 Bags of Flour. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 14557. Sample No. 92122-F.)

LIBEL FILED: November 29, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 26, 1944, by the Richards Milling Co., from Cortland, Ohio.

PRODUCT: 160 25-pound bags of enriched flour at Chicora, Pa.

LABEL, IN PART: "Enriched Flour * * * Blue Ribbon Patent Flour Bleached."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted from the product.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard for enriched flour since it contained approximately 1.23 milligrams of thiamine (vitamin B₁) per pound, whereas the standard requires 2.0 milligrams per pound.

DISPOSITION: January 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

7530. Adulteration and misbranding of enriched flour. U. S. v. 79 Bags of Enriched Flour. Default decree of condemnation and destruction. (F. D. C. No. 13911. Sample No. 67863-F.)

LIBEL FILED: October 6, 1944, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about August 4, 1944, by the Lexington Roller Mills, Inc., Lexington, Ky.

PRODUCT: 79 25-pound bags of enriched flour, at Knoxville, Tenn.

LABEL, IN PART: "'Enriched' Lexington Cream Bleached Flour Our Finest Patent."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, thiamine (vitamin B₁) and iron, had been in part omitted from the product.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard for enriched flour since it contained approximately 1.22 milligrams of thiamine (vitamin B₁) and 11.2 milligrams of iron per pound, whereas the standard requires not less than 2.0 milligrams of thiamine (vitamin B₁) and not less than 13.0 milligrams of iron per pound.

DISPOSITION: November 30, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was disposed of as animal feed.

7531. Adulteration of phosphated flour. U. S. v. 150 Bags of Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13452. Sample No. 80600-F.)

LIBEL FILED: August 30, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: On or about May 2, 1944, by the New Era Milling Co., Arkansas City, Kans.

PRODUCT: 150 50-pound bags of phosphated flour at Magnolia, Ark.

LABEL, IN PART: "Polar Bear Enriched Phosphated Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: November 17, 1944. The Magnolia Grocer Co., Magnolia, Ark., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be denatured, under the supervision of the Food and Drug Administration, so that it could not be used for human consumption.

7532. Adulteration of phosphated flour and self-rising flour. U. S. v. 394 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 12383. Sample No. 60818-F.)

LIBEL FILED: May 19, 1944, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about March 25 and 31 and April 3, 1944, from Wilson, Kans.

PRODUCT: 254 25-pound bags and 140 50-pound bags of flour at Magnolia, Miss., in the possession of the Coney Grocery Co.

This product was stored, after shipment, under insanitary conditions. Many of the bags were rodent-cut and contained rodent pellets and urine stains. Examination showed that the product contained rodent excreta and rodent hairs.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: November 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7533. Adulteration of phosphated flour. U. S. v. 79 Bags and 260 Bags of Phosphated Flour. Consent decree of condemnation. Product ordered sold for use as animal feed. (F. D. C. No. 13977. Sample No. 68856-F.)

LIBEL FILED: October 19, 1944, District of New Mexico.

ALLEGED SHIPMENT: On or about July 24, 1944, from Sherman, Tex.

PRODUCT: 79 5-pound bags and 260 50-pound bags of flour at Clovis, N. Mex., in the possession of the J. M. Radford Grocery Co.

This article was stored under insanitary conditions after shipment. Rodent pellets and urine stains were observed on the bags, and examination showed that the article contained larvae and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use as animal feed.

7534. Adulteration of soy flour. U. S. v. 79 Bags of Flour. Default decree of condemnation. Product ordered sold. (F. D. C. No. 14171. Sample No. 80374-F.)

LIBEL FILED: October 31, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 22, 1943, by the Central Soya Co., from Decatur, Ind.

PRODUCT: 79 100-pound bags of soy flour at St. Louis, Mo.

LABEL, IN PART: (Bags) "Edible Soya Central Soya Me-T-Soy."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: January 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold on condition that it should not be disposed of in violation of the law.

7535. Adulteration of soy flour. U. S. v. 375 Bags of Soy Flour. Default decree of condemnation and destruction. (F. D. C. No. 14951. Sample No. 3836-F.)

LIBEL FILED: January 3, 1945, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about August 8, 1944, from Chicago, Ill.

PRODUCT: 375 100-pound bags of soy flour, at Tulsa, Okla., in the possession of the Joe Hodges Fireproof Warehouse Co.

This product was stored, after shipment, under insanitary conditions. The bags were rodent-gnawed, and rodent pellets were observed on the bags. Examination showed that the product contained rodent hairs and rodent excreta pellets.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 15, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7536. Adulteration of whole wheat flour. U. S. v. 39 Bags of Flour. Default decree of condemnation. Product ordered sold. (F. D. C. No. 13183. Sample No. 80727-F.)

LIBEL FILED: August 7, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 24, 1943, from Louisville, Ky.

PRODUCT: 39 bags, each containing 100 pounds, of wheat flour at Memphis, Tenn., in the possession of the Kroger Grocery and Baking Co. (Warehouse).

This product was stored, after shipment, under insanitary conditions. The bags were rodent-gnawed and contained rodent pellets and urine stains. Examination showed that the product contained rodent excreta, rodent hairs, larvae, and insect fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, conditioned that it be denatured so that it could not be used for human consumption.

MISCELLANEOUS CEREAL PRODUCTS

7537. Adulteration of pearled barley. U. S. v. 719 Bags of Pearled Barley. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13745. Sample No. 80498-F.)

LIBEL FILED: September 26, 1944, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about July 15, 1944, by the St. Louis Rice Milling Co., St. Louis, Mo.

PRODUCT: 719 100-pound bags of pearled barley at Belleville, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: October 9, 1944. The Star Peerless Brewery Co., Belleville, Ill., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed and made into animal feed, under the supervision of the Food and Drug Administration.

7538. Adulteration of barley flakes. U. S. v. 128 Bags, 406 Bags, and 251 Bags of Barley Flakes. Decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 14050, 14082. Sample Nos. 88486-F, 88489-F, 88492-F.)

LIBELS FILED: October 16 and 23, 1944, District of Massachusetts.

ALLEGED SHIPMENT: Between on or about February 9 and June 3, 1944, by the Brooks Elevator Corporation, from Minneapolis, Minn.

PRODUCT: 785 100-pound bags of barley flakes at Boston, Mass.

LABEL, IN PART: (Tags) "Belco Barley Flakes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, insects, and larvae.

DISPOSITION: November 9, 1944. The actions having been consolidated, and the Boston Beer Co., Boston, Mass., claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond to be denatured, under the supervision of the Food and Drug Administration, and used as animal feed.

7539. Adulteration of brewers' grits. U. S. v. 5,000 Bushels of Brewers' Corn Grits. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14656. Sample No. 92843-F.)

LIBEL FILED: December 15, 1944, District of Columbia.

PRODUCT: 5,000 bushels of brewers' grits at Washington, D. C., in the possession of the Chr. Heinrich Brewing Co.

This product had been stored, after shipment, under insanitary conditions. Examination showed that the product contained beetles, larvae, insect webbing and excreta, and rodent excreta. The presence of rodents, insects, and birds contributed to the insanitary conditions whereby foods stored might become contaminated with filth.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been stored under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 19, 1945. The Chr. Heurich Brewing Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be denatured into animal feed, under the supervision of the Food and Drug Administration.

7540. Adulteration of brewers' grits. U. S. v. 900 Bags, 710 Bags, and 483 Bags of Brewers' Grits. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14083. Sample Nos. 88488-F, 88490-F, 88491-F.)

LIBEL FILED: October 23, 1944, District of Massachusetts.

ALLEGED SHIPMENT: Between on or about October 7, 1943, and June 30, 1944, by the Lawrence Milling Co., from Lawrence, Kans.

PRODUCT: 2,093 100-pound bags of brewers' grits at Boston, Mass.

LABEL, IN PART: (Bags) "Refined Brewers' Grits MILO Extra Fancy Quality."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and webbing.

DISPOSITION: November 9, 1944. The Boston Beer Co., Boston, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured, under the supervision of the Food and Drug Administration, and used as animal feed.

7541. Adulteration of white brewers' grits. U. S. v. 100 Bags of White Brewers' Grits. Consent decree ordering product released under bond. (F. D. C. No. 14760. Sample No. 67569-F.)

LIBEL FILED: December 12, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about June 7, 1944, by the M. & O. Milling Co., Mt. Vernon, Ind.

PRODUCT: 100 100-pound reused bags of brewers' grits at Cleveland, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: January 12, 1945. The Brewing Corporation of America, Cleveland, Ohio, claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be cleaned, under the supervision of the Food and Drug Administration, and used for purposes other than human consumption.

7542. Adulteration of shelled corn. U. S. v. 882 Bags of Shelled Corn. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13741. Sample No. 39572-F.)

LIBEL FILED: September 26, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about June 24, 1944, by the Chapman Mill and Grain Co., from Hondo, Tex.

PRODUCT: 882 bags, each containing 100 pounds, of shelled corn at Los Angeles, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and insect-damaged corn.

DISPOSITION: October 4, 1944. The Frito Company of California, Los Angeles, Calif., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was disposed of for use other than human consumption.

7543. Adulteration of white corn. U. S. v. 200 Bags of White Corn. Consent decree of condemnation. Product ordered released, under bond, for sale as animal feed. (F. D. C. No. 14205. Sample No. 74356-F.)

LIBEL FILED: November 7, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about September 13, 1944, from Muskogee, Okla.

PRODUCT: 200 bags, containing approximately 18,860 pounds, of white corn at El Monte, Calif., in possession of the Poppy Food Products Co.

This product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets and urine stains were observed on the bags. Examination disclosed the presence in the article of weevils, beetles, larvae, moths, and rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 17, 1944. The Poppy Food Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released, under bond, for sale as animal feed, under the supervision of the Food and Drug Administration.

7544. Adulteration of corn grits. U. S. v. 100 Bags of Corn Grits. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14450. Sample No. 86542-F.)

LIBEL FILED: November 13, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: August 23, 1944, by the Charles A. Krause Milling Co., from Milwaukee, Wis.

PRODUCT: 100 100-pound bags of corn grits at Chicago, Ill.

LABEL, IN PART: "Amerikorn White Corn Grits Degerminated."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, webbing, and rodent excreta.

DISPOSITION: December 18, 1944. The Keeley Brewing Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be salvaged in accordance with the law, under the supervision of the Food and Drug Administration.

7545. Adulteration of yellow corn meal. U. S. v. 192 Bags of Yellow Corn Meal. Default decree of condemnation. Product ordered delivered to the National Zoological Park, for use as animal feed. (F. D. C. No. 14033. Sample No. 92830-F.)

LIBEL FILED: October 11, 1944, District of Columbia.

PRODUCT: 192 bags, each containing 100 pounds, of corn meal at Washington, D. C., at the Terminal Storage Co. of Washington.

This product had been stored, after shipment, under insanitary conditions. Many of the bags had been gnawed by rodents, and rodent excreta was observed on the bags. Examination showed that the article contained moths, weevils, larvae, and cast skins.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park, for use as animal feed.

7546. Adulteration of corn meal. U. S. v. 2,700 Bags of Corn Meal. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14170. Sample Nos. 89676-F to 89678-F, incl.)

LIBEL FILED: On or about November 11, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 13, 1944, by the Neosho Milling Co., from Neosho, Mo., to Harrison, Ark. The shipment was rejected by the consignee and returned on or about October 18, 1944, to Neosho, Mo.

PRODUCT: 2,700 5-pound, 10-pound, and 25-pound bags of corn meal at Neosho, Mo.

LABEL, IN PART: "Queen Quality Brand White Corn Meal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments and rodent hairs.

DISPOSITION: January 9, 1945. The Neosho Milling Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered

released under bond to be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

7547. Adulteration of corn meal. U. S. v. 210 Bags and 475 Bags of Corn Meal. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14152. Sample Nos. 61955-F, 61960-F.)

LIBEL FILED: October 30, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 10 and 12, 1944, by the Bewley Mills, from Fort Worth, Tex.

PRODUCT: 210 5-pound bags and 475 25-pound bags of corn meal, at New Orleans, La.

LABEL, IN PART: "Ole-Fashun Corn Meal."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, insect fragments, rodent excreta fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 5, 1945. The Bewley Mills, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into animal feed, under the supervision of the Food and Drug Administration.

7548. Adulteration of popcorn. U. S. v. 24 Cases, 8 Cases, 50 Cans, and 25 Cases of Popcorn. Default decrees of condemnation and destruction. (F. D. C. Nos. 14107, 14108. Sample Nos. 74950-F, 74953-F, 74963-F, 74964-F.)

LIBELS FILED: On or about October 26, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about June 29, 1944, by the American Pop Corn Co., from Sioux City, Iowa.

PRODUCT: 49 cases, each containing 24 cans, 8 cases, each containing 48 cans, and 50 cans of popcorn, at Portland, Ore.

LABEL, IN PART: (Cans) "Jolly Time White Hulless Pop Corn Net Weight 10 Ounces."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: On or about December 4, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

7549. Adulteration of popcorn. U. S. v. 500 Bags of Popcorn. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14960. Sample No. 89908-F.)

LIBEL FILED: January 6, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 29, 1944, by G. C. Atkins, from Shawneetown, Ill.

PRODUCT: 500 100-pound bags of popcorn at Memphis, Tenn.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and rodent-gnawed kernels.

DISPOSITION: January 13, 1945. G. C. Atkins, Dallas, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be cleaned in order to eliminate all unfit material, under the supervision of an officer designated by the Federal Security Agency Administrator.

7550. Adulteration of rice. U. S. v. 1,000 Bags and 1,000 Bags of Rice. Default decrees of condemnation. Product ordered sold to the highest bidder. (F. D. C. Nos. 13675, 13721. Sample Nos. 89704-F, 89720-F.)

LIBEL FILED: September 13 and 21, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 27 and 28, 1944, by the San Francisco Rice Co., from Sacramento, Calif.

PRODUCT: 2,000 100-pound bags of rice, at St. Louis, Mo.

LABEL, IN PART: "Rice Milled By Growers Rice Milling Co., Sacramento, Calif."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, cast skins, pupae, and insect fragments.

DISPOSITION: November 20, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered sold and delivered to the highest bidder, conditioned upon its disposition in compliance with the law.

7551. Adulteration of rice. U. S. v. 105 Bags of Rice. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14618. Sample No. 28354-F.)

LIBEL FILED: December 6, 1944, Southern District of Georgia.

ALLEGED SHIPMENT: On or about September 23, 1944, by the Loving Rice Mills, from Crowley, La.

PRODUCT: 105 100-pound bags of rice at Brunswick, Ga.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, insect fragments, and insect excreta.

DISPOSITION: January 16, 1945. The Loving Rice Mills, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be cleaned in order to eliminate all filth and repackaged in properly labeled bags, under the supervision of the Food and Drug Administration.

7552. Adulteration of rice. U. S. v. 541 Bags and 541 Bags of Rice. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13638. Sample Nos. 89702-F, 89703-F.)

LIBEL FILED: September 6, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 26 and March 3, 1944, by the International Rice Milling Co., Inc., from Crowley, La.

PRODUCT: 1,082 185-pound bags of rice at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: November 10, 1944. The Griesedieck Bros. Brewery Co., a corporation, claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond for salvaging, the unfit portion to be denatured, under the supervision of the Food and Drug Administration, so that it could not be used for human consumption.

7553. Adulteration of rice. U. S. v. 907 Bags of Rice. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14894. Sample No. 63958-F.)

LIBEL FILED: January 3, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about September 26 and October 9, 1944, from Crowley, La.

PRODUCT: 907 100-pound bags of rice at Jacksonville, Fla., in the possession of the Daylight Grocery Co., Inc.

This product was stored, after shipment, under insanitary conditions. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on the bags.

VIOLATION CHARGED: Adulteration, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 22, 1945. The Daylight Grocery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for separation of the fit from the unfit portion, the latter to be denatured for use as animal or poultry feed, under the supervision of the Food and Drug Administration.

7554. Adulteration of rice grits. U. S. v. 45 Bags of Rice Grits. Default decree of condemnation. Product ordered sold to the highest bidder. (F. D. C. No. 13674. Sample No. 89705-F.)

LIBEL FILED: September 12, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 18, 1944, by the Rice City Milling Co., from Crowley, La.

PRODUCT: 45 200-pound bags of rice grits, at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: November 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder, for use in conformity with the law.

7555. Adulteration of rice grits. U. S. v. 979 Bags of Rice Grits. Default decree of condemnation. Product ordered sold to the highest bidder. (F. D. C. No. 13637. Sample No. 89701-F.)

LIBEL FILED: September 6, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 4, 1944, by the Champaign Rice Mills Co., from Memphis, Tenn.

PRODUCT: 979 100-pound bags of rice grits, at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: November 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold and delivered to the highest bidder, conditioned that it be disposed of in compliance with the law.

7556. Adulteration of rice grits. U. S. v. 450 Bags and 98 Bags of Rice Grits. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14516. Sample No. 89752-F.)

LIBEL FILED: November 24, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 10, 1944, by the Grocers Warehouse Co., from Eunice, La.

PRODUCT: 450 200-pound bags and 98 100-pound bags of rice grits at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: January 17, 1945. The Grocers Supply Co., Inc., Houston, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or brought into compliance with the law, under the supervision of the Food and Drug Administration.

7557. Adulteration of rye meal. U. S. v. 86 Bags of Rye Meal. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13504. Sample No. 59875-F.)

LIBEL FILED: September 14, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 13, 1944, by the National Milling Co., from Hastings, Minn.

PRODUCT: 86 100-pound bags of rye meal at Chicago, Ill.

LABEL, IN PART: "Sunlight Steel Cut Extra Coarse Rye Meal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of moths and larvae.

DISPOSITION: October 17, 1944. The Mid-City Flour Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration.

7558. Adulteration of whole wheat flakes with raisins and bran. U. S. v. 23 Cases of Whole Wheat Flakes. Decree of condemnation and destruction. (F. D. C. No. 13760. Sample No. 59881-F.)

LIBEL FILED: On or about October 10, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 26, 1944, by the Skinner Manufacturing Co., from St. Joseph, Mo.

PRODUCT: 23 cases, each containing 24 10-ounce cartons, of whole wheat flakes, at Chicago, Ill.

LABEL, IN PART: "Raisin-Bran Whole Wheat Flakes with Raisins Bran and Salt Added."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: November 2, 1944. The owner of the product having advised the court that it would not contest action, judgment of condemnation was entered and the product was ordered destroyed.

7559. Adulteration of ground wheat. U. S. v. 667 Bags of a Cereal Product. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14967. Sample No. 81476-F.)

LABEL FILED: January 6, 1945, Southern District of Iowa.

ALLEGED SHIPMENT: On or about December 14, 1944, by the Nebraska Consolidated Mills Co., from Omaha, Nebr.

PRODUCT: 667 90-pound bags of ground wheat at Council Bluffs, Iowa.

LABEL, IN PART: "Property of Dwarfies Corp. Council Bluffs, Iowa."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments.

DISPOSITION: January 31, 1945. The Nebraska Consolidated Mills, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be rendered obviously unfit for human consumption, under the supervision of the Food and Drug Administration.

CHOCOLATE, SUGARS, AND RELATED PRODUCTS*

CANDY

7560. Adulteration of confectionery, bakery products, and nuts. U. S. v. O. P. Baur Confectionery Co. Plea of nolo contendere. Fine, \$1,400. (F. D. C. No. 12594. Sample Nos. 57999-F, 58000-F, 58361-F, 58363-F, 58364-F, 69831-F, 69835-F.)

INFORMATION FILED: October 30, 1944, District of Colorado, against the O. P. Baur Confectionery Co., a corporation, Denver, Colo.

ALLEGED SHIPMENT: Between the approximate dates of March 1 and 15, 1944, from the State of Colorado into the States of Illinois, Texas, Kansas, California, Florida, and Wyoming.

LABEL, IN PART: (Portions) "Baur's * * * Crystal Cuts [or "Fancy Cakes," "Colorado Asst.," or "Chocolates"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of one or more of the following: Rodent hair fragments, rodent hair, animal hair resembling a cat hair, hair resembling rodent hair, hairs resembling dog hairs, larvae, an insect, insect parts, and a feather barbule; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 27, 1944. A plea of nolo contendere having been entered, the defendant was fined \$200 on each of the 7 counts, a total fine of \$1,400.

7561. Adulteration of candy. U. S. v. Jackson Chocolate Co. Plea of guilty. Fine, \$1,000 and costs. (F. D. C. No. 12565. Sample Nos. 50315-F, 50331-F, 50332-F, 59548-F.)

INFORMATION FILED: November 3, 1944, Northern District of Ohio, against the Jackson Chocolate Co., a partnership, Cleveland, Ohio.

ALLEGED SHIPMENT: Between the approximate dates of December 14, 1943, and February 1, 1944, from the State of Ohio into the States of Pennsylvania and Michigan.

LABEL, IN PART: "Jackson's Gold Box," or "Jackson's Chocolates Bitter Sweet * * * Vanilla [or "Coffee," "Butterscotch," or "Maple"] Cream * * * Velva."

*See also Nos. 7641, 7676

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, hairs resembling rodent hairs, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 16, 1944. A plea of guilty having been entered, the defendant was fined \$250 on each of 4 counts, a total fine of \$1,000 and costs.

7562. Adulteration and misbranding of licorice candy. U. S. v. Licorice Products Co. Plea of guilty. Fine, \$400 and costs. (F. D. C. No. 12570. Sample Nos. 40664-F, 55025-F.)

INFORMATION FILED: September 26, 1944, Northern District of Iowa, against the Licorice Products Co., a corporation, Dubuque, Iowa.

ALLEGED SHIPMENT: Between the approximate dates of December 22, 1943, and January 14, 1944, from the State of Iowa into the States of Minnesota and Illinois.

LABEL, IN PART: (Cases, portion) "Licorice El-Pee Co. Specialties * * * Licorice Bricks."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, larva and adult weevil parts, rodent hairs, and unidentified hairs; Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (d), the product was confectionery, and it bore or contained a nonnutritive substance, mineral oil or petrolatum.

Misbranding, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each of the ingredients.

DISPOSITION: December 5, 1944. A plea of guilty having been entered on behalf of the defendant, the defendant was fined \$100 on each of 4 counts, together with costs.

7563. Adulteration of gift packages of candy and nuts. U. S. v. 100 Cartons of Altray Gift Pack. Default decree of condemnation and destruction. (F. D. C. No. 13949. Sample No. 73288-F.)

LIBEL FILED: October 17, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about March 31, 1944, by R. L. Albert and Son, Inc., from New York, N. Y.

PRODUCT: 100 cartons of gift packages at San Francisco, Calif.

This product consisted of a fancy box containing taffy, gumdrops, hard candies, and salted peanuts.

LABEL, IN PART: "Altray Gift Pack Net Weight 1 Lb. 4 oz."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of beetles.

DISPOSITION: November 29, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7564. Misbranding of Spanish nut toffee. U. S. v. 130 Boxes of Spanish Nut Toffee. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 14692. Sample No. 75667-F.)

LIBEL FILED: December 1, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 1, 1944, by the California Fruit Chimes Co., from Los Angeles, Calif.

PRODUCT: 130 5-ounce boxes of Spanish nut toffee at Pittsburgh, Pa.

LABEL, IN PART: "Spanish Nut Toffee, Deliciously Different."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container of the product was so filled as to be misleading since there was an excessive amount of unfilled space in the box.

DISPOSITION: January 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

7565. Adulteration of candy. U. S. v. 50 Boxes of Candy Bars. Default decree of condemnation and destruction. (F. D. C. No. 13980. Sample No. 85747-F.)

LIBEL FILED: October 27, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about August 23, 1944, by the Novelty Peanut Co., from Dallas, Tex.

PRODUCT: 50 boxes, each containing 16 1-ounce bars, of candy at Denver, Colo.

LABEL, IN PART: "Pat's Candy Bar."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance since it contained rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7566. Adulteration of candy. U. S. v. 60 Boxes of Candy Bars. Default decree of condemnation and destruction. (F. D. C. No. 14632. Sample No. 63813-F.)

LIBEL FILED: December 14, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about November 8, 1944, by Bob's Candy and Peanut Co., from Albany, Ga.

PRODUCT: 60 boxes, each containing 24 bars, of candy at Tampa, Fla.

LABEL, IN PART: (Bars) "Bobs Coconut Soldier 5c."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 8, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7567. Adulteration of candy. U. S. v. 88 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 14646. Sample No. 63785-F.)

LIBEL FILED: December 13, 1944, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about November 21, 1944, by the Beckham Candy Co., from Atlanta, Ga.

PRODUCT: 88 boxes, each containing 24 1-ounce bars, of candy at Salisbury, N. C.

LABEL, IN PART: (Bar) "Beckham's Coco Meat 'For a Candy Treat'."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 19, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CHOCOLATE AND COCOA PRODUCTS

7568. Adulteration of chocolate. U. S. v. 14 Bags of Chocolate. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14830. Sample No. 99148-F.)

LIBEL FILED: December 21, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 19, 1944, from Richmond, Ind.

PRODUCT: 14 185-pound bags of chocolate at St. Louis, Mo., in the possession of the White Baking Co. of Missouri, Inc.

This product was stored, after shipment, under insanitary conditions. The bags were rodent-gnawed, and rodent pellets were observed on the bags. Examination showed that the product contained rodent hairs and rodent-gnawed pieces of chocolate.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 12, 1945. The White Baking Co. of Missouri, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or brought into compliance with the law, under the supervision of the Food and Drug Administration.

7569. Adulteration and misbranding of chocolate sirup. U. S. v. 14 Cases of Chocolate Sirup. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 14524. Sample No. 80783-F.)

LIBEL FILED: November 25, 1944, Southern District of Illinois.

ALLEGED SHIPMENT: On or about July 28, 1944, by Silver Hill Products, Inc., from Brooklyn, N. Y.

PRODUCT: 14 cases, each containing 24 1-pound jars, of chocolate sirup at Cuba, Ill.

LABEL, IN PART: "Van Delft's Double Strength Chocolate Flavored Syrup."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a sirupy solution of sugar or sugars, with a predominating flavor of molasses, had been substituted in whole or in part for "Double Strength Chocolate Flavored Syrup," which the product was represented to be.

Misbranding, Section 403 (a), the label statement, "Double Strength Chocolate Flavored Syrup," was false and misleading as applied to the product.

DISPOSITION: January 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

7570. Adulteration of milk chocolate fudge topping. U. S. v. 2 Cases of Milk Chocolate Fudge Topping. Default decree of condemnation and destruction. (F. D. C. No. 14914. Sample No. 92308-F.)

LIBEL FILED: December 28, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about November 1, 1943, by the Robert A. Johnston Co., from Milwaukee, Wis.

PRODUCT: 2 cases, each containing 6 jars, of fudge topping at Rochester, N. Y. This product contained mold.

LABEL, IN PART: "Johnston Milk Chocolate Fudge Topping No. 20 for making Hot Fudge Sundaes Net Weight 7 Lbs. 8 Ozs."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 30, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7571. Adulteration of cocoa residue. U. S. v. 50 Bags of Cocoa Residue. Default decree of condemnation and destruction. (F. D. C. No. 14856. Sample No. 63779-F.)

LIBEL FILED: December 21, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about November 6, 1944, by J. B. Robinson, from Cleveland, Ohio.

PRODUCT: 50 40-pound bags of cocoa residue at Charlotte, N. C.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments.

DISPOSITION: January 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SIRUPS AND SUGAR*

7572. Adulteration of sirup. U. S. v. 70 Cases of Sirup. Default decree of condemnation and destruction. (F. D. C. No. 14448. Sample No. 34944-F.)

LIBEL FILED: November 24, 1944, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about September 22, 1944, by the Mark Vandewart Co., Inc., from New York, N. Y.

PRODUCT: 70 cases, each containing 12 32-ounce bottles, of sirup at Charleston, S. C.

This product was undergoing active fermentation.

*See also No. 7569.

LABEL, IN PART: (Bottles) "Master Chef Pan Cake Syrup Contains: Pure Cane Sugar, Corn Syrup, Imitation Maple Flavor, Caramel Color."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7573. Adulteration and misbranding of sirups. U. S. v. 25 Jugs of Waffle Sirup and 34 Jugs of Fountain Sirups. Default decree of condemnation. Products ordered delivered to charitable institutions. (F. D. C. No. 13776. Sample Nos. 82701-F to 82704-F, incl.)

LIBEL FILED: September 11, 1944, Southern District of New York.

ALLEGED SHIPMENT: Between the approximate dates of May 9 and July 25, 1944, by the H. Cherrnay Corp., from Bronx, N. Y., to Newark, N. J. These products were returned to the original shipper by the consignee on or about August 8, 1944.

PRODUCT: 25 1-gallon jugs of waffle sirup and 34 1-gallon jugs of fountain sirups at Bronx, N. Y.

LABEL, IN PART: "Diamond Brand Waffle Syrup," "Cherrnay's Syrup Special Diamond Brand Concentrated Orange Syrup," or "Cherrnay's Concentrated Syrup Diamond Brand Grape [or "Cherry"]."

VIOLATIONS CHARGED: Fountain sirups, adulteration, Section 402 (b) (1), valuable constituents of the articles had been in part omitted; and, Section 402 (b) (2), orange-flavored sirup had been substituted in whole or in part for concentrated orange sirup; an artificially flavored and colored mixture of sugar and water, containing an insignificant amount of grape juice, had been substituted in whole or in part for concentrated grape sirup; and an artificially flavored and colored mixture of sugar or sugars, water, and an insignificant amount of cherry juice, had been substituted in whole or in part for concentrated cherry sirup. Misbranding, Section 403 (a), the names, "Concentrated Orange Syrup," "Concentrated Syrup * * * Grape * * * The juice of Selected Grapes, Flavor," and "Concentrated Syrup * * * Cherry * * * The juice of Selected Cherries, Flavor * * *," and the vignette of fruit on the label of the cherry flavor, were false and misleading; Section 403 (i) (2), the articles were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each ingredient; and, Section 403 (e), (grape and cherry sirups only) the articles were imitations of other foods, and they failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the names of the foods imitated.

Waffle sirup, adulteration, Section 402 (b) (4), artificial flavoring and artificial coloring had been added to and mixed or packed with the article so as to make it appear better and of greater value than it was. Misbranding, Section 403 (c), the article was an imitation of maple sirup, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403 (f), the statement of the quantity of the contents was not prominently placed on the label with such conspicuousness, as compared with other words, statements, designs, or devices, as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the statement of volume was blown into the glass on the side of the jug; and, Section 403 (i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

DISPOSITION: September 26, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to charitable organizations.

7574. Adulteration of Sweetose Syrup. U. S. v. 936 Jars of Sweetose Syrup. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14519. Sample No. 80976-F.)

LIBEL FILED: On or about November 29, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 17, 1944, by the H. B. Leiserowitz Co., from Des Moines, Iowa.

PRODUCT: 936 5-pound jars of Sweetose Syrup, at Kansas City, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 10, 1945. The Consumers Mill Products Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was segregated and the unfit portion was converted into animal feed.

7575. Misbranding of sirup. U. S. v. 50 Cartons of Pancake Sirup. Consent decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 13853. Sample No. 81874-F.)

LIBEL FILED: On or about October 4, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about August 16, 1944, by the Carmel Oil Co., Inc., from the Bronx, N. Y.

PRODUCT: 50 cartons, each containing 24 1-pint bottles, of sirup at Hartford, Conn.

LABEL, IN PART: (Bottles) "Carmel Brand Pancake Syrup Made From Pure Cane Sugar, & Pure Maple Flavor."

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (2), the product was a food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents since the bottles contained less than "1 Pint," the volume declared; and, Section 403 (k), it contained artificial coloring and failed to bear labeling stating that fact.

DISPOSITION: December 4, 1944. The claimants having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to charitable institutions, after the labels had been removed.

7576. Misbranding of sirup. U. S. v. 107 Cases of Sirup. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 14691. Sample Nos. 68862-F, 69531-F.)

LIBEL FILED: December 4, 1944, District of New Mexico.

ALLEGED SHIPMENT: On or about March 22, 1944, by T. J. Blackburn, Jefferson, Tex.

PRODUCT: 107 cases, each containing 6 jars, of sirup at Clovis, N. Mex.

LABEL, IN PART: "Home-Made Sugar Cane Syrup and Corn Syrup Blend."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product was a food in package form, and it failed to bear a label containing an accurate statement of the quantity of contents since the jars contained less than the weight declared on the labels: "1 Quart, 1 Pint, 10½ Fluid Ounces."

DISPOSITION: January 19, 1945. T. J. Blackburn Syrup Works, Jefferson, Tex., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

7577. Adulteration of brown sugar. U. S. v. 148 Bags of Brown Sugar. Default decree of condemnation and destruction. (F. D. C. No. 13942. Sample No. 68159-F.)

LIBEL FILED: October 12, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about January 27, 1944, from Brooklyn, N. Y.

PRODUCT: 148 bags, each containing 25 pounds, of brown sugar at Cleveland, Ohio, in the possession of the Otis Terminal Warehouse Corporation.

This product had been stored, after shipment, under insanitary conditions. Some of the bags had been gnawed by rodents, and rodent excreta and urine stains were observed on the bags. Examination showed that the article had been contaminated with rodent urine, and that it contained rodent pellets.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that was adulterated in that it consisted in whole or in part of a filthy or decomposed substance, Nos. 7578 to 7580; that was below the standard for milk fat content, Nos. 7581 to 7587; and that was short of the declared weight, No. 7588.

7578. Adulteration of butter. U. S. v. 56 Cases of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 15027. Sample Nos. 62355-F, 62356-F.)

LIBEL FILED: November 8, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 26, 1944, by the Jerpe Commission Co., Inc., from Fayetteville, Ark.

PRODUCT: 56 cases, each containing 32 1-pound cartons, of butter at New Orleans, La.

LABEL, IN PART: (Carton) "Clear Brook Creamery Butter Distributed by Wilson."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed animal substance.

DISPOSITION: January 17, 1945. The Jerpe Commission Company, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for refining into butter oil, under the supervision of the Food and Drug Administration.

7579. Adulteration of butter. U. S. v. 4 70-Pound Cubes of Butter. Default decree of condemnation. Product ordered sold. (F. D. C. No. 13870. Sample No. 61366-F.)

LIBEL FILED: On or about August 16, 1944, Southern District of Texas.

ALLEGED SHIPMENT: On or about July 8, 1944, by the Vinita Dairy Products Co., from Vinita, Okla.

PRODUCT: 4 70-pound cubes of butter, at Houston, Tex.

Examination showed that this product contained mold.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed animal substance.

DISPOSITION: October 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold on condition that it be denatured.

7580. Adulteration of butter. U. S. v. 134 Boxes (8,308 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for refining into butter oil. (F. D. C. No. 14576. Sample No. 90721-F.)

LIBEL FILED: October 24, 1944, Western District of Kentucky.

ALLEGED SHIPMENT: On or about October 17, 1944, by the Sugar Creek Creamery Co., from Evansville, Ind.

PRODUCT: 134 boxes, each containing 62 pounds, of butter, at Louisville, Ky.

Examination disclosed that the product contained mold.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance.

DISPOSITION: November 29, 1944. The Sugar Creek Creamery Co., Danville, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for refining into butter oil, under the supervision of the Food and Drug Administration.

7581. Adulteration of butter. U. S. v. 50 Cartons (approximately 3,200 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 15099. Sample No. 5643-H.)

LIBEL FILED: January 16, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about January 2, 1945, by the Hartley Creamery, Hartley, Iowa.

PRODUCT: 50 cartons, each containing approximately 64 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed by J. O. Marshall Draper-Valley Distributors, Inc. 503 New York, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 31, 1945. The Draper Valley Distributors, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked and reprocessed so as to comply with the law, under the supervision of the Food and Drug Administration.

7582. Adulteration of butter. U. S. v. 114 Boxes (approximately 7,296 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14347. Sample No. 82530-F, 82536-F.)

LIBEL FILED: On or about October 7, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about May 15, 1944, by the Lakeview Dairies, Inc., from Pepin, Wis.

PRODUCT: 114 boxes, each containing approximately 64 pounds, of butter, at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 10, 1944. The Penn Blue Ridge Dairies, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

7583. Adulteration of butter. U. S. v. 86 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 14361. Sample Nos. 88348-F, 88352-F.)

LIBEL FILED: October 13, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 4 and 7, 1944, by the United Farmers Coop. Creamery Assn., Inc., from Morrisville, Vt.

PRODUCT: 86 tubs, each containing 65 pounds, of butter, at Boston, Mass.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 6, 1944. The United Farmers Coop. Creamery Assn., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

7584. Adulteration of butter. U. S. v. 18 Cases of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14571. Sample Nos. 74983-F, 74984-F.)

LIBEL FILED: On or about October 26, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about September 21 and 27, 1944, by the Nampa Creamery Co., from Nampa, Idaho.

PRODUCT: 18 cases, each containing 60 1-pound prints, of butter at Portland, Oreg.

LABEL, IN PART: (Print) "Butter * * * Riverview Damascus Milk Co. Portland, Ore."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 5, 1945. The Riverview Damascus Milk Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7585. Adulteration of butter. U. S. v. 21 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14574. Sample No. 87483-F.)

LIBEL FILED: October 27, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about October 13, 1944, by the Bottineau Cooperative Creamery, Bottineau, N. Dak.

PRODUCT: 21 boxes, each containing approximately 64 pounds, of butter at New York, N. Y.

LABEL, IN PART: "21 4018 * * * George Wittner & Co., Inc. 115 New York."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 13, 1944. George Wittner & Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked and relabeled under the supervision of the Food and Drug Administration.

7586. Adulteration of butter. U. S. v. 8 Cartons (520 pounds) of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 15049. Sample No. 97910-F.)

LIBEL FILED: December 20, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 8, 1944, by the Wilder Cooperative Creamery, from Wilder, Minn.

PRODUCT: 8 65-pound cartons of butter, at Philadelphia, Pa.

LABEL, IN PART: (Cartons) "Distributed by C. G. Heyd & Co."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 5, 1945. C. G. Heyd & Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The butter was satisfactorily reworked.

7587. Adulteration of butter. U. S. v. 159 Cartons (10,176 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 15037. Sample Nos. 87397-F, 92134-F.)

LIBEL FILED: On or about December 21, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about November 21, 1944, by the Sorensen Creameries, Big Stone City, S. Dak.

PRODUCT: 159 64-pound cartons of butter, at Youngstown, Ohio.

LABEL, IN PART: (Boxes) "The Isaly Dairy Co. * * * Youngstown, Ohio."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 5, 1945. The Sorensen Creameries and the Isaly Dairy Co., claimants, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7588. Misbranding of butter. U. S. v. 12 Cases of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 15033. Sample No. 81593-F.)

LIBEL FILED: December 8, 1944, District of Kansas.

ALLEGED SHIPMENT: On or about November 14, 1944, by the Spring Valley Butter Co., Kansas City, Mo.

PRODUCT: 12 32-pound cases of butter at Kansas City, Kans.

LABEL, IN PART: (Print) "One Pound Net Weight * * * Creamery Butter."

VIOLATIONS CHARGED: Misbranding, Section 403 (a) and Section 403 (e) (2), the product was short weight since it contained less than 1 pound of butter, as labeled.

DISPOSITION: December 8, 1944. The Spring Valley Butter Co., claimant, having admitted that the product was misbranded, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The article was reworked and brought up to the declared weight.

CHEESE*

7589. Adulteration of cheese. U. S. v. 20 Cartons of Cheese and 22 Cheeses. Consent decrees of condemnation and destruction. (F. D. C. Nos. 14049, 14094. Sample Nos. 88281-F, 88502-F.)

LIBEL FILED: October 18 and 27, 1944, District of Massachusetts and District of Rhode Island.

*See also No. 7504.

ALLEGED SHIPMENT: On or about May 11, 1944, from Olean, N. Y., to Woburn, Mass. A portion was shipped from Woburn, Mass., to Providence, R. I., on or about October 11, 1944.

PRODUCT: 20 cartons, each containing 2 cheeses, at Boston, Mass., and 22 cheeses at Providence, R. I.

This product had been stored, after shipment, under insanitary conditions at Sorrento Cheese, Inc., Woburn, Mass. The cheese had been gnawed by rodents, and examination disclosed the presence of rodent pellets in one portion.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 12, 1945. Raffaele D'Amora, Boston, Mass., having appeared as owner, and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered destroyed.

7590. Adulteration of cheese. U. S. v. 26 Boxes of Cheese. Product ordered destroyed. (F. D. C. No. 14839. Sample No. 87918-F.)

LIBEL FILED: December 27, 1944, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about November 17, 1944, from Chicago, Ill.

PRODUCT: 26 boxes, each containing 45 or 70 pieces of cheese, at Spring Green, Wis., in the possession of the Spring Green Creamery and Cheese Industry, Inc.

This product was stored, after shipment, under insanitary conditions. The boxes and cheeses were rodent-gnawed, and rodent pellets were observed in the boxes and on the cheeses. Examination showed that the product contained mites and was in part decomposed.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance and was in part decomposed; and, Section 402 (a) (4), it had been stored under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 25, 1945. No claimant having appeared, the product was ordered destroyed.

7591. Adulteration of blue cheese. U. S. v. 40 Cases of Cheese. Product ordered destroyed. (F. D. C. No. 14840. Sample No. 87919-F.)

LIBEL FILED: December 27, 1944, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about November 17, 1944, by C. E. Zuercher and Co., Chicago, Ill.

PRODUCT: 40 cases, each containing 6 cheeses, totaling 1,266 pounds, at Spring Green, Wis.

LABEL, IN PART: "Nauvoo Blue Cheese."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites and insect fragments, and it was in part decomposed.

DISPOSITION: January 25, 1945. No claimant having appeared, the product was ordered destroyed.

7592. Adulteration of grated, Italian type cheese. U. S. v. 59 Packages and 22 Cartons of Grated Cheese. Default decree of condemnation and destruction. (F. D. C. No. 14182. Sample Nos. 90725-F, 90726-F.)

LIBEL FILED: November 3, 1944, Western District of Kentucky.

ALLEGED SHIPMENT: On or about July 14, 1944, by the Frank Ryser Co., from Chicago, Ill.

PRODUCT: 59 1-pound packages and 22 cartons, each containing 12 1½-ounce packages, of grated cheese at Louisville, Ky.

LABEL, IN PART: "Red Rooster Brand Grated Italian [or "Italian Style"] Cheese."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7593. Adulteration of Italian type cheese. U. S. v. 25 Cases of Cheese (and 3 other seizure actions against cheese). Default decrees of condemnation. Product ordered delivered to a public institution, for use as animal feed. (F. D. C. Nos. 14378 to 14380, incl., 14385. Sample No. 34939-F.)

LIBELS FILED: November 10, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about October 5, 1944, by the Hygrade Food Products Corporation, from New York, N. Y.

PRODUCT: 50 cases and 150 cases of cheese, at Jacksonville and Jasper, Fla., respectively, each case containing 6 5-pound loaves.

LABEL, IN PART: (Loaf) "Shelby Brand Provolone Type Process Lunch Loaf Distributed by Dunlevy-Franklin Corporation—Pittsburgh, Pa."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, cat hair fragments, wood splinters, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 16, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to a public institution, for use as animal feed.

7594. Adulteration of pimento cheese. U. S. v. 487 Boxes of Pimento Cheese. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14753. Sample No. 86641-F.)

LIBEL FILED: On or about December 15, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On October 13, 1944, by the Shefford Cheese Co., from Green Bay, Wis.

PRODUCT: 487 73-pound boxes of pimento cheese, at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 11, 1945. C. E. Zuercher & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured, under the supervision of the Food and Drug Administration, so that it could not be used for human consumption.

7595. Adulteration of Swiss cheese. U. S. v. 1 Tub and 4 Wheels (1,450 pounds) of Swiss Cheese. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14623. Sample No. 83085-F.)

LIBEL FILED: December 6, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about October 6, 1944, by the New York Cheese Co., Monroe, Wis.

PRODUCT: 1 tub containing 5 wheels, and 4 additional wheels of cheese, weighing a total of approximately 1,450 pounds, at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance because of the presence of rodent excreta.

DISPOSITION: January 4, 1945. Max Popkin, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be cleaned, in order to eliminate all filth, and brought into compliance with the law, under the supervision of the Food and Drug Administration.

MISCELLANEOUS DAIRY PRODUCTS

7596. Adulteration of dried skim milk. U. S. v. 1 Barrel of Dry Milk Solids. Default decree of condemnation and destruction. (F. D. C. No. 13728. Sample No. 68494-F.)

LIBEL FILED: October 11, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 19, 1944, by the Blue River Farms, Shelbyville, Ind.

PRODUCT: 1 200-pound barrel of dried skim milk, at Cincinnati, Ohio.

LABEL, IN PART: "Dry Milk Solids Not Over 1½% Fat."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of pieces of wood, brush hairs, and pieces of metal.

DISPOSITION: November 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7597. Adulteration and misbranding of oleomargarine. U. S. v. 100 Cases of Oleomargarine. Consent decree of condemnation. Product ordered released under bond for reprocessing. (F. D. C. No. 14937. Sample No. 99040-F.)

LIBEL FILED: January 2, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 30, 1944, by the B. S. Pearsall Butter Co., from Elgin, Ill.

PRODUCT: 100 cases, each containing 30 cartons, of oleomargarine at St. Louis, Mo.

LABEL, IN PART: "One Pound Net Elgin Vegetable Oleomargarine with Vitamin A Added."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent of fat had been substituted for oleomargarine.

Misbranding, Section 403 (g) (1), the product purported to be and was represented as oleomargarine, a food for which a definition and standard of identity has been prescribed by regulations promulgated pursuant to law, and it failed to conform to the definition and standard since it contained less than 80 percent of fat.

DISPOSITION: January 24, 1945. The B. S. Pearsall Butter Co., claimant, having admitted the allegation of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed and, if necessary, relabeled in compliance with the law, under the supervision of the Food and Drug Administration.

7598. Misbranding of oleomargarine. U. S. v. 237 Cases of Oleomargarine. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13276. Sample No. 68533-F.)

LIBEL FILED: August 19, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 27, 1944, by the Standard Margarine Co., Inc., Indianapolis, Ind.

PRODUCT: 237 cases of oleomargarine at Cincinnati, Ohio.

Examination showed that the article was short-weight.

LABEL, IN PART: "Kroger's Eatmore Vegetable Oleomargarine Net Wt. One Lb."

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (2), the product was a food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Wt. One Lb." was inaccurate.

DISPOSITION: August 30, 1944. The Standard Margarine Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

EGGS

7599. Adulteration of frozen whole eggs. U. S. v. 212 Cans of Frozen Whole Eggs (and 1 other seizure action against frozen whole eggs). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 13426, 14550. Sample Nos. 66860-F, 98663-F.)

LIBELS FILED: September 7, 1944, District of Kansas; November 29, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 20 and October 23, 1944, by Swift & Co., from Clinton, Okla., and Clinton, Iowa.

PRODUCT: 1 40-pound can, 89 30-pound cans, and 122 48-pound cans of frozen whole eggs, at Kansas City, Kans., and 225 cartons at St. Louis, Mo.

LABEL, IN PART: "M Frozen Blend of Egg Yolks & Egg Whites," and "Frozen M Blend Whites Yolks."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 25 and December 21, 1944. Swift & Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under supervision of the Food and Drug Administration.

7600. Adulteration of frozen whole eggs. U. S. v. 1,600 Cans and 210 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14703. Sample No. 86639-F.)

LIBEL FILED: December 8, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On November 4 and 6, 1944, by Demand and Co., from Omaha, Nebr.

PRODUCT: 1,810 30-pound cans of frozen whole eggs, at Chicago, Ill.

LABEL, IN PART: "Demamix."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 20, 1944. Demand and Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for salvaging by separation of the good from the bad portion, under the supervision of the Food and Drug Administration, and disposal of both portions in compliance with the law.

7601. Adulteration of frozen whole eggs. U. S. v. 1,207 Cans of Frozen Whole Eggs. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13727. Sample Nos. 66856-F, 66857-F.)

LIBEL FILED: On or about September 30, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 10, 1944, by Wilson & Co., Inc., from Wichita, Kans.

PRODUCT: 1,207 30-pound cans of frozen whole eggs at Kansas City, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 2, 1944. Wilson & Co. Inc., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

7602. Adulteration of frozen whole eggs. U. S. v. 71 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13928. Sample No. 66987-F.)

LIBEL FILED: On or about October 17, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 6, 1944, by the Rothenberg & Schneider Bros., Inc., from Chicago, Ill.

PRODUCT: 71 30-pound cans of frozen whole eggs, at Kansas City, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 10, 1944. The Rothenberg & Schneider Bros., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and salvage of such portion as might be marketed in compliance with the law, under the supervision of the Food and Drug Administration.

7603. Adulteration of frozen whole eggs. U. S. v. 945 Cartons and 555 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13957. Sample No. 62152-F.)

LIBEL FILED: October 13, 1944, Western District of Texas.

ALLEGED SHIPMENT: On or about August 26, 1944, by the Terminal Refrigeration Co., from Los Angeles, Calif.

PRODUCT: 945 cartons and 555 cans of frozen whole eggs, at San Antonio, Tex.

LABEL, IN PART: "Whole Eggs 30 Lbs. Net Weksler Egg Co., Los Angeles, Calif."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 24, 1944. The Fort Worth Poultry & Egg Co., Fort Worth, Tex., claimant, having admitted that a portion of the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

7604. Adulteration of frozen whole eggs. U. S. v. 10 Cans of Frozen Mixed Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 13982. Sample No. 67878-F.)

LIBEL FILED: October 20, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 3 and 15, 1944, by the Covington Produce Co., Covington, Ky.

PRODUCT: 10 cans, each containing 30 pounds, of frozen whole eggs at Cincinnati, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid and decomposed substance.

DISPOSITION: November 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7605. Adulteration of frozen whole eggs. U. S. v. 73 Cartons of Frozen Eggs. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13927. Sample No. 66986-F.)

LIBEL FILED: On or about October 9, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 7, 1944, by Edward Aaron & Co., from Fort Scott, Kans.

PRODUCT: 73 30-pound cartons of frozen whole eggs, at Kansas City, Mo.

LABEL, IN PART: "Sub-Standard Whole Eggs."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 21, 1944. The Edward Aaron Co., Kansas City, Mo., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The cans were segregated, and the unfit portion was delivered for use as tankage.

7606. Adulteration of frozen whole eggs. U. S. v. 213 Cartons of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13301. Sample No. 58856-F.)

LIBEL FILED: On or about August 30, 1944, Western District of Virginia.

ALLEGED SHIPMENT: On or about April 22, 1944, by Wilson and Co., from Murfreesboro, Tenn.

PRODUCT: 213 30-pound cartons of frozen whole eggs, at Roanoke, Va.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 2, 1944. Wilson & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation under the supervision of the Food and Drug Administration. The unfit portion was destroyed.

7607. Adulteration of shell eggs. U. S. v. 20 Cases and 534 Cases of Shell Eggs. Consent decrees of condemnation. Product ordered released under bond for segregation. (F. D. C. Nos. 14897, 14898. Sample No. 83070-F.)

LIBELS FILED: January 4 and 8, 1945, Southern District of New York and District of New Jersey.

ALLEGED SHIPMENT: On or about December 9, 1944, by the Monarch Refrigerating Co., from Hammond, Ind.

PRODUCT: 20 cases and 534 cases, each containing 30 dozen eggs, at New York, N. Y., and Jersey City, N. J., respectively.

LABEL, IN PART: (Cases) "6960 Rec'd May 29, 1944 Officially Inspected Sept. 23, 1944 Chicago Mercantile Exchange * * * Packed by F. M. Priest & Sons St. James, Minn."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 17 and 18, 1945. Jacob Stern, New York, N. Y., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration, the unfit portion to be destroyed.

FISH AND SHELLFISH

7608. Adulteration of ocean perch fillets. U. S. v. 42 Cases and 78 Cases of Ocean Perch Fillet. Default decrees of condemnation and destruction. (F. D. C. Nos. 14847, 14848. Sample No. 78382-F.)

LIBELS FILED: December 19, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 24, 1944, by the National Frosted Foods, Inc., from Gloucester, Mass.

PRODUCT: 42 cases and 78 cases, each containing 5 5-pound cartons, of ocean perch fillets, at Reading and Philadelphia, Pa., respectively.

LABEL, IN PART: (Cartons) "Certified Quality Ocean Perch Fillet (Rosefish)."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7609. Adulteration and misbranding of oysters. U. S. v. 144 Pints of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 14785. Sample No. 92394-F.)

LIBEL FILED: December 15, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about December 8, 1944, by the Leib Packing Co., from Baltimore, Md.

PRODUCT: 144 pints of oysters at Olean, N. Y.

This product contained added water and was short-volume.

LABEL, IN PART: "Extra Standards * * * Sun Brand Oysters."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (e) (2), it was a food in package form, and it failed to bear a label containing an accurate statement of the quantity of contents since the label statement "Contents One Pint" was inaccurate.

DISPOSITION: January 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7610. Adulteration of frozen yellow pike. U. S. v. 5 Boxes of Frozen Yellow Pike. Default decree of condemnation and destruction. (F. D. C. No. 14653. Sample No. 82024-F.)

LIBEL FILED: December 16, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about October 26, 1944, by the Bowman Fish Co., Hudson, Ontario, Canada.

PRODUCT: 5 boxes containing a total of approximately 638 pounds of frozen fish, at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7611. Adulteration of frozen rosefish. U. S. v. 1,271 Boxes of Frozen Rosefish. Default decree of condemnation and destruction. (F. D. C. No. 13905. Sample No. 61666-F.)

LIBEL FILED: October 4, 1944, Middle District of Alabama.

ALLEGED SHIPMENT: On or about September 1, 1944, by the Morris Fisheries, Inc., from Boston, Mass.

PRODUCT: 1,271 boxes, each containing 10 pounds, of frozen rosefish at Montgomery, Ala.

LABEL, IN PART: "Fresh Rosefish Frozen 2406 7 5 44."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 10, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7612. Adulteration of canned salmon. U. S. v. 109 Cases of Canned Salmon. Default decree of condemnation and destruction. (F. D. C. No. 13764. Sample No. 75643-F.)

LIBEL FILED: October 11, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 12, 1944, by the Keystone Storage Co., from East Liverpool, Ohio.

PRODUCT: 109 cases, each containing 48 1-pound cans, of salmon at McKeesport, Pa.

LABEL, IN PART: "Red Treat Brand Silver Side Salmon Salt Added * * * Distributed By Potter-McCune Co. McKeesport, Pa."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7613. Adulteration of frozen cooked peeled shrimp. U. S. v. 25 Cartons of Cooked Shrimp. Default decree of condemnation. Product ordered delivered to the National Zoological Park, for use as animal feed. (F. D. C. No. 14032. Sample No. 93009-F.)

LABEL FILED: October 11, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about August 14, 1944, by the Matanzas Packing Co., Inc., from Jacksonville, Fla.

PRODUCT: 25 cartons, each containing 12 pounds, of shrimp at Washington, D. C.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park, for use as animal feed.

7614. Adulteration of frozen shrimp. U. S. v. 2,821 Cartons of Frozen Shrimp. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 13736. Sample No. 61823-F.)

LABEL FILED: On or about September 23, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about August 20, 1944, by the Otto L. Kuehn Co., from New Orleans, La.

PRODUCT: 2,821 5-pound cartons of frozen shrimp, at Dallas, Tex.

LABEL, IN PART: "Shrimp Packed By United States Cold Storage, Dallas, Texas."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 30, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On November 6, 1944, an amended decree was entered providing for delivery of the product to a public institution, for use other than human consumption.

7615. Adulteration of frozen shrimp. U. S. v. 6 Boxes of Frozen Shrimp. Default decree of condemnation. Product ordered delivered to the National Zoological Park, for use as animal feed. (F. D. C. No. 14440. Sample No. 92841-F.)

LABEL FILED: November 20, 1944, District of Columbia.

PRODUCT: 6 boxes, each containing approximately 125 pounds, of frozen shrimp at Washington, D. C.

LABEL, IN PART: (Tags) "Brooks Seafoods Corporation Berwick, La. Shrimp a Specialty Headless Shrimp 15-20 Count."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park, for use as animal feed.

7616. Adulteration of frozen shrimp. U. S. v. 17 Boxes of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 14410. Sample No. 82020-F.)

LABEL FILED: November 14, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about October 4, 1944, by the Stern Fish Co., Philadelphia, Pa.

PRODUCT: 17 boxes containing a total of about 2,500 pounds of frozen shrimp, at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7617. Adulteration of frozen shrimp. U. S. v. 4,451 Cartons of Frozen Shrimp. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14790. Sample No. 96809-F.)

LIBEL FILED: December 19, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about October 24, 1944, by J. R. Steed and Son, from Lake Charles, La.

PRODUCT: 4,451 5-pound cartons of frozen shrimp, at Dallas, Tex.

LABEL, IN PART: "Booth Famous Foods Quick Frozen Green Shrimp."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 29, 1944. The Booth Fisheries Corporation, claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

FLAVORS AND SPICES

7618. Adulteration and misbranding of imitation chocolate extract. U. S. v. 282 Cases of Imitation Chocolate Extract. Default decree of condemnation and destruction. (F. D. C. No. 14044. Sample No. 88141-F.)

LIBEL FILED: October 16, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 13, 1944, by the Twitchell Champlin Co., from Portland, Maine.

PRODUCT: 282 cases, each containing 24 bottles, of imitation chocolate extract, at Boston, Mass.

LABEL, IN PART: "Victory Brand Imitation Chocolate Extract * * * Victory Extract Mfg. Co. Rochester, N. Y."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a solution having no flavor of chocolate had been substituted in whole or in part for "Imitation Chocolate Extract," which the article was represented to be.

Misbranding, Section 403 (a), the label statements, "is highly concentrated," and "Each tablespoon of Victory Imitation Chocolate Extract is equal to a good size square of baking chocolate," were false and misleading as applied to an article having no flavor of chocolate.

DISPOSITION: January 15, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7619. Adulteration of mace. U. S. v. 5 Cases of Mace. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14553. Sample No. 68386-F.)

LIBEL FILED: November 29, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about November 13, 1942, by Hahne and Burns, New York, N. Y.

PRODUCT: 5 162-pound cases of mace, at Cleveland, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: January 6, 1945. The Euclid Coffee Co., Cleveland, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be cleaned or disposed of for purposes other than human consumption, under the supervision of the Food and Drug Administration.

7620. Adulteration of mace. U. S. v. 4 Cases of Mace. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14554. Sample No. 68387-F.)

LIBEL FILED: November 29, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about February 28, 1942, by the Catz American Co., Inc., New York, N. Y.

PRODUCT: 4 162-pound cases of mace, at Cleveland, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: January 6, 1945. The Euclid Coffee Co., Cleveland, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be cleaned or disposed of for purposes other than human consumption, under the supervision of the Food and Drug Administration.

7621. Adulteration of California sage. U. S. v. 74 Bales of California Sage. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14183. Sample No. 80377-F.)

LIBEL FILED: On or about November 8, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 12, 1944, by the Tarzana Herb Farm, from Los Angeles, Calif.

PRODUCT: 74 100-pound bales of mace, at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, pupae, and cast skins.

DISPOSITION: November 20, 1944. The Jas. H. Forbes Tea and Coffee Co., a corporation, St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7622. Adulteration of Cyprus sage leaves. U. S. v. 6 Bales of Cyprus Sage Leaves. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14964. Sample No. 74081-F.)

LIBEL FILED: January 6, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about May 4, 1944, by H. S. Cramer and Co., Inc., from New York, N. Y.

PRODUCT: 6 bales, each containing approximately 800 pounds, of sage leaves at Los Angeles, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect excreta, insect fragments, and rodent hair fragments.

DISPOSITION: January 27, 1945. Ben-Hur Products, Inc., Los Angeles, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law by segregating the fit from the unfit portion, under the supervision of the Food and Drug Administration.

7623. Adulteration of mixed spices. U. S. v. 15 Bags of Mixed Spice. Consent decree ordering portion of product destroyed; remainder released under bond. (F. D. C. No. 13711. Sample No. 68086-F.)

LIBEL FILED: September 21, 1944, Eastern District of Tennessee; libel amended September 29, 1944, to cover seizure of additional lot.

ALLEGED SHIPMENT: On or about April 20, 1944, by the James H. Forbes Tea & Coffee Co., St. Louis, Mo.

PRODUCT: 15 150-pound bags and 17 barrels of mixed spices, at Knoxville, Tenn.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae, or was otherwise unfit for human consumption.

DISPOSITION: September 29, 1944. The Davis Manufacturing Co., Inc., Knoxville, Tenn., claimant, having consented to the destruction of three barrels of the product, a decree was entered ordering that the three barrels be destroyed and that the United States marshal deliver the remainder to the claimant, under bond, to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was cleaned in order to eliminate all filth.

FRUITS AND VEGETABLES*

CANNED AND DRIED FRUITS

7624. Misbranding of canned apricots. U. S. v. 187 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 13494. Sample No. 73421-F.)

LIBEL FILED: September 1, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: On or about August 17, 1944, by the Drew Canning Co., from Campbell, Calif.

PRODUCT: 187 cases, each containing 24 cans, of apricots, at Hot Springs, Ark. Examination showed that the article was packed in sirup averaging 19.94 degrees Brix, designated as "light sirup" in the standard of identity for canned apricots.

LABEL, IN PART: "Jack Sprat Unpeeled Halves Apricots in Heavy Syrup * * * Distributed by Jack Spratt Foods, Inc., Marshalltown, Iowa."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statement "in Heavy Syrup" was false and misleading as applied to an article packed in light sirup.

DISPOSITION: October 24, 1944. The C. J. Horner Co., Hot Springs, Ark., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

7625. Misbranding of canned apricots. U. S. v. 400 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 12493. Sample No. 73420-F.)

LIBEL FILED: September 2, 1944, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about August 11, 1944, by the A. M. Beebe Co., from Oakland, Calif.

PRODUCT: 400 cases, each containing 24 cans, of apricots, at Oklahoma City, Okla.

Examination showed that the article was packed in sirup averaging 15.22 degrees Brix, designated as "slightly sweetened water" in the standard of identity for canned apricots.

LABEL, IN PART: "Flotta Unpeeled Halves Apricots in Light Syrup * * * Packed By Flotill Products, Incorporated, Stockton, Calif."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statement "in Light Syrup" was false and misleading as applied to an article packed in slightly sweetened water.

DISPOSITION: September 29, 1944. The Safeway Stores, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

7626. Misbranding of canned cherries. U. S. v. 99 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13740. Sample No. 73460-F.)

LIBEL FILED: October 14, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about September 13, 1944, by the Cooter Brokerage Co., from Oakland, Calif.

PRODUCT: 99 cases, each containing 24 cans, of cherries at Green Bay, Wis.

LABEL, IN PART: "Hunt's Superior Quality Royal Anne Light Sweet Cherries Contents 1 Lb. 14 Oz."

VIOLATION CHARGED: Misbranding, Section 403 (g) (2), the product failed to bear, as required by the regulations, the name of the optional packing medium, since the label bore the statement "In Heavy Syrup," whereas the product was packed in light sirup.

DISPOSITION: January 9, 1945. The Hunt Brothers Packing Co., Hayward, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled and brought into compliance with the law, under the supervision of the Food and Drug Administration.

*See also Nos. 7558, 7573, 7699.

7627. Adulteration of dried prunes. U. S. v. 200 Boxes and 200 Boxes of Prunes. Default decree of condemnation. Product ordered delivered to a Federal institution, for use as livestock feed. (F. D. C. No. 14322. Sample Nos. 82863-F, 82864-F.)

LIBEL FILED: October 30, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about January 20 and February 14, 1944, by the California Packing Corporation, San Francisco, Calif.

PRODUCT: 400 25-pound boxes of dried prunes, at New York, N. Y.

LABEL, IN PART: (Box) "Red Corn Brand Santa Clara Prunes," or "Gold Leaf Brand California Prunes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product contained moldy prunes.

DISPOSITION: November 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as livestock feed.

7628. Adulteration of raisins. U. S. v. 37 Cartons, 55 Cartons, and 80 Cartons of Raisins. Default decrees of condemnation. Portion of product ordered sold; remainder ordered destroyed. (F. D. C. Nos. 12944, 14602, Sample Nos. 72556-F, 88382-F, 88383-F.)

LIBELS FILED: July 9 and November 27, 1944, Western District of Tennessee and District of Massachusetts.

ALLEGED SHIPMENT: Between the approximate dates of December 11, 1943, and January 28, 1944, by the Enoch Packing Co., from Del Rey, Calif.

PRODUCT: 37 25-pound cartons at Memphis, Tenn., and 55 25-pound cartons and 80 30-pound cartons of raisins at Lowell, Mass.

LABEL, IN PART: (Cartons) "Airport Brand Choice Thompsons Seedless Raisins."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested raisins in one portion, and of larvae and insect excreta in the remainder.

DISPOSITION: January 18 and 22, 1945. No claimant having appeared, judgments of condemnation were entered. The lot at Memphis was ordered sold, under the direction of the Federal Security Agency, to be denatured so that it could not be disposed of for human consumption, and the lots at Lowell were ordered destroyed.

7629. Adulteration of raisins. U. S. v. 20 Cases and 38 Cases of Raisins. Decrees of condemnation. Product ordered destroyed. (F. D. C. Nos. 13963, 13985. Sample Nos. 85749-F, 85753-F.)

LIBELS FILED: September 11 and 15, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about October 19 and 27, 1944, by the Paul Brothers, from Fresno, Calif.

PRODUCT: 58 cases, each containing 150 1½-ounce packages, of raisins at Denver, Colo.

LABEL, IN PART: "Lion Brand California Seedless Raisins Packed by Lion Packing Company Fresno, Calif."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect excreta, or beetles.

DISPOSITION: November 3, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

FRESH FRUITS

7630. Adulteration of apples. U. S. v. 8 Boxes of Apples. Default decree of condemnation and destruction. (F. D. C. No. 15028. Sample No. 68183-F.)

LIBEL FILED: November 21, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 19, 1944, by the Fruit Growers Service Co., Monitor, Wash.

PRODUCT: 8 boxes, each containing 1 bushel, of apples at Akron, Ohio.

LABEL, IN PART: (Wood box) "Delicious * * * Boy Blue Brand."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained added poisonous or deleterious substances, arsenic and lead, which may have rendered it injurious to health.

DISPOSITION: January 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7631. Adulteration of apples. U. S. v. 55 Bushels and 90 Bushels of Apples. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15046. Sample Nos. 96412-F, 96413-F.)

LIBEL FILED: December 2, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On October 6, 1944, by J. L. Willmeng & Sons, from Benton Harbor, Mich.

PRODUCT: 145 bushels of apples, at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: January 5, 1945. Gordon Willmeng, claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond to be processed for pie apples, under the supervision of the Food and Drug Administration.

7632. Adulteration of apples. U. S. v. 233 Boxes of Apples. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15047. Sample Nos. 96432-F to 96437-F, incl.)

LIBEL FILED: On or about December 7, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On November 10, 1944, by the Oroville Cordell Fruit Growers, from Oroville, Wash.

PRODUCT: 233 boxes of apples, at Chicago, Ill.

LABEL, IN PART: "Delicious Apples Sapphire Brand * * * Distributed by Standard Fruits Inc., Wenatchee Washington."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: December 12, 1944. McCaffrey and Rogers, claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging under the supervision of the Food and Drug Administration. The salvaging was unsuccessful and the product was destroyed.

7633. Adulteration of apples. U. S. v. 18 Bushel Baskets of Apples. Default decree of condemnation. Product ordered delivered to a charitable institution for consumption after peeling. (F. D. C. No. 13861. Sample No. 89709-F.)

LIBEL FILED: On or about September 8, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 31, 1944, by the Chuck Miles Fruit & Produce Co., from Benton Harbor, Mich.

PRODUCT: 18 bushel baskets of apples at St. Louis, Mo.

LABEL, IN PART: (Basket) "Macintosh Com grade * * * R. Sieber R. 2 Benton Harbor Mich."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: November 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for consumption after peeling, all peelings and cores to be destroyed under the supervision of the Food and Drug Administration.

7634. Adulteration of apples. U. S. v. 218 Boxes of Apples. Default decree of condemnation and destruction. (F. D. C. No. 14639. Sample No. 93030-F.)

LIBEL FILED: December 9, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about November 16, 1944, by the Wenatchee Beebe Orchard Co., from Brewster, Wash.

PRODUCT: 218 boxes, each containing 1 bushel, of apples at Washington, D. C.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: January 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7635. Adulteration of apples. U. S. v. 660 Bushels of Apples. Product released under bond. (F. D. C. No. 14581. Sample No. 96363-F.)

LIBEL FILED: October 19, 1944, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about October 13, 1944, by the Shafton Co., Benton Harbor, Mich.

PRODUCT: 660 bushels of apples, at Stevens Point, Wis.

LABEL, IN PART: "Combination U. S. No. 1 U. S. Utility Min. Coloma Orchard Co Coloma Michigan."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained added poisonous or deleterious substances, lead and arsenic, which may have rendered it injurious to health.

DISPOSITION: December 22, 1944. A. L. Shafton, claimant, admitted the allegations of the libel and filed a bond for the release of the apples for cleaning and removal of the excess residue under the supervision of the Food and Drug Administration. The claimant paid all costs, and the court entered an order dismissing the case and discharging the bond.

7636. Adulteration of wild blackberries. U. S. v. 222 Barrels of Wild Blackberries. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13233. Sample Nos. 75254-F, 75758-F.)

LIBEL FILED: August 28, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: Between on or about July 12 and 29, 1944, by Leonard Brown, from Mount Sterling, Ky.

PRODUCT: 222 unlabeled barrels of wild blackberries, at North East, Pa. This product was undergoing active fermentation.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 24, 1944. The Sunshine Packing Corporation, North East, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for manufacture into wine.

7637. Adulteration of pears. U. S. v. 9 Lugs and 42 Lugs of Pears. Decrees of condemnation and destruction. (F. D. C. Nos. 14365, 14366. Sample Nos. 8021-F, 8023-F.)

LIBELS FILED: September 26 and 27, 1944, District of Minnesota and District of South Dakota.

ALLEGED SHIPMENT: On or about September 11, 1944, by the Prentice Packing Co., from Westbrook, Wash.

PRODUCT: 9 20-pound lugs of pears at Minneapolis, Minn., and 42 20-pound lugs at Sioux Falls, S. Dak.

LABEL, IN PART: "Kare-ful-pak Brand Pears."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, and, in one portion, arsenic, which may have rendered it injurious to health.

DISPOSITION: October 21, 1944. The owner having consented, a decree was entered ordering that the Minneapolis lot be destroyed. On October 30, 1944, no claimant having appeared for the South Dakota lot, judgment of condemnation was entered and the product was ordered disposed of according to the law.

MISCELLANEOUS FRUIT PRODUCTS

7638. Adulteration of dried apple pomace. U. S. v. 2,582 Bags of Apple Pomace. Consent decree of condemnation. Product ordered released under bond for salvaging. (F. D. C. No. 13922. Sample Nos. 78934-F to 78938-F, incl.)

LIBEL FILED: On or about October 17, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: Between on or about September 29, 1943, and January 20, 1944, from Holley, N. Y., Capitola, Calif., and Luray and Winchester, Va.

PRODUCT: 1,272 60-pound bags, 835 45-pound bags, 350 70-pound bags, and 125 90-pound bags of dried apple pomace, at Chicago, Ill., in the possession of the Seng Terminal Warehouse.

This product was stored, after shipment, under insanitary conditions. The warehouse was rodent-infested, and examination showed that the product was contaminated by reason of contact with rats and mice.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 29, 1944. The Seng Terminal Warehouse Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging, under the supervision of the Food and Drug Administration.

7639. Adulteration of fig paste. U. S. v. 1,000 Cases of Fig Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12353. Sample No. 65736-F.)

LIBEL FILED: May 10, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 6, 1944, by Rosenberg Bros. & Co., from Figarden, Calif.

PRODUCT: 1,000 80-pound cases of fig paste, at Brooklyn, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, larvae, and rodent hairs.

DISPOSITION: November 24, 1944. Rosenberg Bros. & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be used for distillation purposes, under the supervision of the Food and Drug Administration.

7640. Adulteration of fruit mix. U. S. v. 15 Cases of Fruit Mix. Default decree of destruction. (F. D. C. No. 13720. Sample No. 70051-F.)

LIBEL FILED: September 23, 1944, District of Idaho.

ALLEGED SHIPMENT: On or about August 10, 1943, by Sterling Food Products, from Los Angeles, Calif.

PRODUCT: 15 cases, each containing 36 12-ounce packages of fruit mix, at Twin Falls, Idaho.

LABEL, IN PART: "California Fruit Mix Desert Treasure Brand."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots, larvae, cast skins, insect excreta, and webbing.

DISPOSITION: November 8, 1944. No claimant having appeared, judgment was entered ordering that the product be destroyed.

7641. Adulteration of glace fruit. U. S. v. 2 Barrels of Glace Fruit. Default decree of condemnation and destruction. (F. D. C. No. 11964. Sample No. 61447-F.)

LIBEL FILED: March 6, 1944, Western District of Texas.

ALLEGED SHIPMENT: On or about November 26, 1943, by the Garden Fruit Glace Co., from Chicago, Ill.

PRODUCT: 2 barrels, each containing 500 pounds, of glace fruit, at Waco, Tex.

Examination showed that the product was made from garbage, as evidenced by eggshell and meat fragments. Inspection of the Garden Fruit Glace Co. showed that the firm used garbage in the preparation of glace fruit.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4) it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7642. Adulteration of jam. U. S. v. 174 Cases of Blackberry Jam. Default decree of condemnation. Product ordered delivered to a public institution, for use as animal feed. (F. D. C. No. 14647. Sample No. 63935-F.)

LIBEL FILED: December 15, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 25, 1944, by the T. W. Garner Food Co., from Winston-Salem, N. C.

PRODUCT: 174 cases, each containing 24 1-pound jars, of jam at Jacksonville, Fla.

LABEL, IN PART: (Jar) "Garner's Pure Blackberry Jam."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

7643. Adulteration of assorted jellies. U. S. v. 75 Cases and 29 Cases of Assorted Jellies. Decree of condemnation and destruction. (F. D. C. No. 14680. Sample Nos. 81111-F, 81112-F.)

LIBEL FILED: December 16, 1944, District of Kansas.

ALLEGED SHIPMENT: On or about September 13, 1944, by Preserves, Inc., St. Louis, Mo.

PRODUCT: 75 cases, each containing 12 jars, and 29 cases, each containing 24 jars, of assorted jellies, at Coffeyville, Kans.

LABEL, IN PART: "C-M-C Brand Net Wt. 2 Lbs. [or "12 Oz."] Pure Apple [or "Apple-Grape," "Apple-Plum," or "Apple-Raspberry"] Jelly."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites.

DISPOSITION: December 16 1944. The Coffeyville Mercantile Co., Coffeyville, Kans., claimant, having admitted that the product was adulterated, judgment of condemnation was entered, and 60 cases were ordered destroyed. Action as to the remainder was ordered dismissed.

VEGETABLES

7644. Adulteration of blackeye beans (peas). U. S. v. 132 Bags of Blackeye Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14058. Sample No. 63928-F.)

LIBEL FILED: October 20, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about January 27, 1944, by Baker & Co., from Turlock, Calif.

PRODUCT: 132 100-pound bags of blackeye beans, at Jacksonville, Fla.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect eggs, and insect-bored beans.

DISPOSITION: November 28, 1944. The Frank D. Powers Co., Jacksonville, Fla., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into animal feed.

7645. Misbranding of canned green beans. U. S. v. 905 Cases of Canned Green Beans. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 14503. Sample No. 71799-F.)

LIBEL FILED: November 22, 1944, District of Montana.

ALLEGED SHIPMENT: On or about August 11, 1944, by the Valley Canning Co., from Carnation, Wash.

PRODUCT: 905 cases, each containing 24 cans, of green beans at Missoula, Mont.

LABEL, IN PART: "Hilltop Brand Short Cut Green Beans Contents 1 Lb. 3 Oz."

VIOLATION CHARGED: Misbranding, Section 403 (a), the vignette of a dish containing middle cuts of green beans, and the term "Short Cut Green Beans," appearing in the labeling, were misleading as applied to the product, which consisted in large part of pieces of irregular length and end snips of string beans.

DISPOSITION: January 29, 1945. The Valley Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

7646. Adulteration of red kidney beans. U. S. v. 45 Sacks of Red Kidney Beans. Default decree of condemnation. Product ordered sold for use as animal feed. (F. D. C. No. 13344. Sample No. 58980-F.)

LIBEL FILED: August 12, 1944, District of Maryland.

ALLEGED SHIPMENT: On or about December 4, 1943, from North Rose, N. Y.

PRODUCT: 45 sacks, each containing 100 pounds, of red kidney beans at Baltimore, Md., in the possession of B. Green and Co., Inc.

The product has been stored under insanitary conditions after shipment. The bags had been gnawed by rodents, and contained urine stains and rodent pellets. Examination showed that the article had been contaminated with urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use as animal feed.

7647. Adulteration of pinto beans. U. S. v. 77 Bags of Pinto Beans. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14474. Sample No. 90380-F.)

LIBEL FILED: November 13, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: On or about April 1, 1942, by J. L. Wilson, Hot Springs, N. Mex.

PRODUCT: 77 100-pound bags of pinto beans, at Clarksville, Ark.

LABEL, IN PART: "Recleaned Pinto Beans."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 15, 1945. No claim having been entered, judgment of condemnation was entered and the product was ordered destroyed. On January 26, 1945, Wish Brothers, Clarksville, Ark., having petitioned for the right to intervene, and having filed a good and sufficient bond, the court ordered the product delivered to the intervenor on condition that it be denatured, under the supervision of an officer designated by the Federal Security Administrator, and disposed of as animal feed.

7648. Adulteration of canned beets. U. S. v. 248 Cases of Canned Beets. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14695. Sample No. 89738-F.)

LIBEL FILED: December 1, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 19, 1942, by the Empire Pickling Co., from Shortsville, N. Y.

PRODUCT: 248 cases, each containing 6 cans, of beets at St. Louis, Mo.

LABEL, IN PART: "Contents 6 Lbs. 8 Ozs. Manchester Brand Cut Beet Chips."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 11, 1945. The Bohn-Lenartz Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or brought into compliance with the law, under the supervision of the Food and Drug Administration.

7649. Adulteration of canned beets. U. S. v. 622 Cases of Canned Beets. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14690. Sample No. 89739-F.)

LIBEL FILED: December 1, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 22, 1942, by the Comstock Canning Corporation, from Newark, N. Y.

PRODUCT: 622 cases, each containing 6 cans, of beets at St. Louis, Mo.

LABEL, IN PART: "Pride of Egypt Cut Red Beets Contents 6 Lbs. 8 Oz."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 11, 1945. The Bohn-Lenartz Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or brought into compliance with the law, under the supervision of the Food and Drug Administration.

7650. Adulteration of canned corn. U. S. v. 10 Cases and 317 Cases of Canned Corn. Default decrees of condemnation and destruction. (F. D. C. Nos. 14757, 14783. Sample Nos. 83801-F, 83884-F.)

LABELS FILED: December 12, 1944, Eastern District of Washington; January 5, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about August 7 and 11, 1944, by the Sterling Canning Co., from Sterling, Ill.

PRODUCT: 10 cases and 317 cases, each containing 24 cans, of corn at Yakima, Wash., and Coos Bay, Oreg., respectively.

LABEL, IN PART: "Nation's Garden Brand Cream Style Golden Sweet Corn Contents 1 Lb. 4 Oz."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 9 and February 13, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

7651. Adulteration of dry hominy. U. S. v. 28 Cartons of Dry Hominy. Default decree of condemnation and destruction. (F. D. C. No. 14604. Sample No. 73968-F.)

LIBEL FILED: November 28, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about April 21 and May 16, 1944, by the Jno. F. Achterberg Co., El Paso, Texas.

PRODUCT: 28 cartons, each containing 24 8-ounce boxes, of hominy at Phoenix, Ariz.

LABEL, IN PART: (Boxes) "Large Can-O-Hominy Will make One Quart Cooked Hominy Packed by The Can-O-Vegetables Company El Paso, Tex."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: January 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7652. Adulteration of dried mushrooms. U. S. v. 40 Cartons of Dried Mushrooms. Default decree of condemnation and destruction. (F. D. C. No. 14609. Sample No. 77254-F.)

LIBEL FILED: November 30, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about November 4, 1944, by the Russian-Polish Importing Co., Chicago, Ill.

PRODUCT: 40 10-pound, second-hand cartons of dried mushrooms, at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance since it contained larvae, maggots, and insect fragments.

DISPOSITION: January 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7653. Adulteration of dried mushrooms. U. S. v. 94 Cards, 188 Cards, and 74 Cards of Dried Mushrooms. Default decrees of condemnation and destruction. (F. D. C. Nos. 14685, 14686. Sample Nos. 87028-F, 87029-F, 87117-F.)

LIBELS FILED: December 2, 1944, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about November 15, 16, and 17, 1944, by the Russian-Polish Importing Co., Chicago, Ill.

PRODUCT: 356 cards, each containing 12 packages, of dried mushrooms at Detroit, Mich.

LABEL, IN PART: "Star Brand Domestic Mushrooms," or "Finest Quality Mushrooms."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots, and, in a portion, insect eggs.

DISPOSITION: January 19 and 31, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

7654. Adulteration of canned peas. U. S. v. 1,117 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13935. Sample Nos. 61649-F to 61654-F, incl., 80756-F to 80760-F, incl., 89801-F.)

LIBEL FILED: October 11, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about July 28, 1944, by the Seymour Canning Co., from Seymour, Wis.

PRODUCT: 1,117 cases, each containing 24 cans, of peas at Memphis, Tenn.

LABEL, IN PART: "Good Fare Brand * * * Wisconsin Early June Peas," and "Ontra Brand Wisconsin Early June Peas."

VIOLATION CHARGED: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, borax, which is unsafe under the law, since it is a substance not required in the production of this food, and its use can be avoided by good manufacturing practice.

DISPOSITION: October 24, 1944. The Seymour Canning Co., Seymour, Wis., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the segregation and destruction of the portion containing borax, under the supervision of the Federal Security Agency.

7655. Misbranding of canned peas. U. S. v. 58 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 12841. Sample No. 62965-F.)

LIBEL FILED: July 1, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: On or about February 2, 1944, by the Klindt-Geiger Canning Co., Cassville, Wis.

PRODUCT: 58 cases, each containing 24 1-pound, 4-ounce cans, of peas at Fort Smith, Ark.

LABEL, IN PART: (Cans) "Dependon Brand * * * Wisconsin Early June Peas."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), the product was substandard; and, Section 403 (a), the label statement, "Standard Quality Grade C," was false and misleading as applied to an article that was substandard in quality.

DISPOSITION: October 6, 1944. The Goff Brothers Grocery #1, Fort Smith, Ark., having appeared as claimant, judgment of condemnation was entered. The product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

7656. Misbranding of canned peas. U. S. v. 1,299 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 14461. Sample No. 87492-F.)

LIBEL FILED: November 10, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about July 21, 1944, by the West Bend Cannery, Inc., from West Bend, Wis.

PRODUCT: 1,299 cases, each containing 24 cans, of peas at Minneapolis, Minn.

LABEL, IN PART: "June Peas Size 4 Contents 1 Lb. 4 Oz. River Bend."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was substandard.

DISPOSITION: January 16, 1945. The West Bend Cannery, West Bend, Wis., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

7657. Misbranding of canned peas. U. S. v. 1,679 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 14758. Sample No. 97602-F.)

LIBEL FILED: December 12, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about August 10, 1944, by the Marshall Canning Co., from Marshalltown, Iowa.

PRODUCT: 1,679 cases, each containing 24 cans, of peas at Minneapolis, Minn.

LABEL, IN PART: "Mayflower Size 4 Early June Peas Contents 1 Lb. 4 Oz."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was substandard.

DISPOSITION: January 26, 1945. The Western Grocer Co., Minneapolis, Minn., claimant, having admitted the material allegations of the libel, judgment of

condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

7658. Misbranding of canned peas. U. S. v. 1,800 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13434. Sample Nos. 6316-F, 72392-F.)

LIBEL FILED: August 26, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 15, 1944, by the Valders Canning Co., from Valders, Wis.

PRODUCT: 1,800 cases, each containing 24 cans, of peas at St. Louis, Mo.

The peas were shipped unlabeled under an agreement to label as "Standard."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), the product was substandard; and, Section 403 (e), it was a food in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of the contents.

DISPOSITION: January 12, 1945. The Valders Canning Co., a corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or brought into compliance with the law, under the supervision of the Food and Drug Administration.

7659. Adulteration of green split peas. U. S. v. 562 Bags and 436 Bags of Green Split Peas. Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 14956, 14957. Sample Nos. 3894-F, 13786-F.)

LIBELS FILED: January 4, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about December 7, 1944, from the Hullin Transfer Co., Seattle, Wash.

PRODUCT: 998 100-pound bags of green split peas, at Los Angeles, Calif.

This product was stored, after shipment, under insanitary conditions at the Hullin Transfer Co. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on the bags. Examination showed that the product contained rodent urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 29, 1945. The Trinidad Bean & Elevator Co., San Francisco, Calif., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration, and disposition of both portions in compliance with the law.

7660. Misbranding of potatoes. U. S. v. 450 Bags of Potatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 14493. Sample No. 83509-F.)

LIBEL FILED: November 18, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about November 6, 1944, by the Ahlquist Produce Co., from Gooding, Idaho.

PRODUCT: 450 100-pound bags of potatoes at Los Angeles, Calif.

Examination showed that the article was short-weight.

LABEL, IN PART: "U. S. No. 1 Selected Idaho Buhl Brand Spuds 100 Lbs. Net Weight."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: November 30, 1944. Barney Cornett, Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

7661. Adulteration of canned spinach. U. S. v. 95 Cases of Canned Spinach. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 13747. Sample No. 61817-F.)

LIBEL FILED: September 29, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about June 14 and 30, 1944, by the Griffin Manufacturing Co., from Muskogee, Okla.

PRODUCT: 95 cases, each containing 6 cans, of spinach at Dallas, Tex.

LABEL, IN PART: "Polar Bear Select Quality Spinach."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, decomposed spinach, and was unfit for human consumption.

DISPOSITION: November 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for use other than human consumption.

TOMATOES AND TOMATO PRODUCTS

7662. Adulteration of tomato catsup. U. S. v. 150 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 14808. Sample No. 90435-F.)

LIBEL FILED: December 19, 1944, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about November 19, 1944, by the Kroger Grocery and Baking Co., from Cincinnati, Ohio.

PRODUCT: 150 cases, each containing 24 14-ounce bottles, of tomato catsup at Nashville, Tenn.

LABEL, IN PART: "Kroger's Country Club Quality Brand Tomato Catsup."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 23, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7663. Adulteration of tomato catsup. U. S. v. 203 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 14945. Sample Nos. 90716-F, 90905-F.)

LIBEL FILED: January 2, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 10, 1944, by the United Wholesale Grocers, Inc., Chicago, Ill.

PRODUCT: 203 cases, each containing 24 14-ounce bottles, of tomato catsup at Cincinnati, Ohio.

LABEL, IN PART: "Vine-Ripe Tomato Catsup Made from Fresh Ripe Tomatoes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7664. Adulteration of tomato catsup and tomato puree. U. S. v. 10 Cases of Tomato Catsup (and 4 other seizure actions against tomato products). Default decrees of condemnation and destruction. (F. D. C. Nos. 14471, 14688, 14763, 14764, 14809. Sample Nos. 68291-F, 68762-F, 90433-F, 90434-F, 90439-F, 90440-F.)

LIBELS FILED: Between November 13 and December 20, 1944, Western District of Kentucky and Middle District of Tennessee.

ALLEGED SHIPMENT: Between on or about September 21 and October 11, 1944, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: Tomato catsup: 10 cases and 19 cases, each containing 24 14-ounce bottles, at Henderson and Louisville, Ky., respectively; 78 cases, each containing 24 14-ounce bottles, and 39 cases, each containing 24 14-ounce cans, at Clarksville, Tenn.; and 18 cases, each containing 6 7-pound, 2-ounce cans, at Nashville, Tenn. Tomato puree: 42 cases, each containing 6 6-pound, 10-ounce cans, at Nashville, Tenn.

LABEL, IN PART: "Jackson Brand Tomato Catsup [or "Puree"]," "Columbus Brand Tomato Catsup Packed by Columbus Packing Co. Columbus, Ind.," or "American Beauty Tomato Catsup."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances.

DISPOSITION: Between January 8 and 29, 1945. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

7665. Adulteration and misbranding of tomato paste. U. S. v. 9 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 14859. Sample No. 93751-F.)

LIBEL FILED: December 26, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about November 28, 1944, by John Minervini, Hoboken, N. J.

PRODUCT: 9 cases, each containing 100 6-ounce cans, of tomato paste at New York, N. Y.

LABEL, IN PART: (Can) "Minervini Brand Tomato Paste."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard for tomato paste since it contained less than 25 percent of salt-free tomato solids.

DISPOSITION: January 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7666. Adulteration of tomato paste. U. S. v. 198 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 14084. Sample Nos. 74230-F, 74232-F.)

LIBEL FILED: October 25, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 20, 1944, by the California Importing Co., from Los Angeles, Calif.

PRODUCT: 198 cases, each containing 100.6-ounce cans, of tomato paste at Boston, Mass.

Examination showed that the article contained moldy and decomposed tomato material.

LABEL, IN PART: "Progresso Tomato Paste with Basil * * * Packed for La Sierra Heights Canning Co., Inc. Buena Park, California."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 15, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7667. Adulteration of tomato paste and tomato puree. U. S. v. 20 Cases of Tomato Paste (and 3 other seizure actions against tomato products). Default decrees of condemnation and destruction. (F. D. C. Nos. 14615, 14677, 14687, 14832. Sample Nos. 78284-F, 85302-F to 85307-F, incl.)

LIBELS FILED: Between November 29 and December 23, 1944, Eastern and Middle Districts of Pennsylvania.

ALLEGED SHIPMENT: On or about October 18, 19, and 24, 1944, by the Uddo & Taormina Co., from Vineland, N. J.

PRODUCT: 20 cases, each containing 100 6½-ounce cans, of tomato paste at Philadelphia, Pa.; and 95 cases, each containing 100 6½-ounce cans of tomato paste, 67 cases, each containing 24 cans, and 110 cases, each containing 6 cans, of tomato puree at Scranton, Pa.

LABEL, IN PART: (Cans) "Mountain Beauty Tomato Paste * * * Packed for La Sierra Heights Canning Co., Inc. Buena Park, California," or "Mountain Beauty Tomato Puree Contents 6 Lb. 9 Oz. [or "1 Lb. 12 Oz."]."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: Between December 19, 1944, and February 5, 1945. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

7668. Adulteration of tomato dill pickles. U. S. v. 50 Cases of Tomato Dill Pickles. Product ordered destroyed. (F. D. C. No. 13277. Sample No. 80849-F.)

LIBEL FILED: On or about August 22, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 22, 1944, by the Bond Pickle Co., from Oconto, Wis.

PRODUCT: 50 cases, each containing 12 1-quart jars, of tomato dill pickles at Kansas City, Mo.

LABEL, IN PART: "Heinly's Dill Tomato Pickles."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 20, 1944. No claimant having appeared, the product was ordered destroyed.

7669. Adulteration of tomato puree. U. S. v. 197 Cases and 840 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 14678. Sample Nos. 33857-F, 92361-F.)

LIBEL FILED: November 30, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about October 6 and 7, 1944, by the Mel-Williams Co., from Stockton, Calif.

PRODUCT: 1,037 cases, each containing 6 No. 10 cans, of tomato puree at Lockport, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 8, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7670. Adulteration of tomato puree. U. S. v. 257 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 14663. Sample No. 78285-F.)

LIBEL FILED: December 18, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 12, 1944, by Clement Pappas and Co., from Cedarville, N. J.

PRODUCT: 257 cases, each containing 6 cans, of tomato puree at Philadelphia, Pa.

LABEL, IN PART: (Cans) "Pappas Brand Tomato Puree Contents 6 Lbs. 6 Oz."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of maggots, fly eggs, and decomposed tomato material.

DISPOSITION: January 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7671. Adulteration of tomato puree. U. S. v. 198 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 14518. Sample No. 68782-F.)

LIBEL FILED: November 27, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 17, 1944, by the Everitt Packing Co., Underwood, Ind.

PRODUCT: 198 cases, each containing 6 cans, of tomato puree at Dayton, Ohio.

LABEL, IN PART: "Ever-It Brand Tomato Puree Contents 6 Lb. 8 Oz."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7672. Adulteration of tomato puree. U. S. v. 27 Cartons of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 14441. Sample No. 78274-F.)

LIBEL FILED: November 20, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about October 30, 1944, by George T. Felici, from Philadelphia, Pa.

PRODUCT: 27 cartons, each containing 6 cans, of tomato puree at Washington, D. C.

LABEL, IN PART: "Mountain Beauty Tomato Puree * * * Packed for La Sierra Heights Canning Co., Inc. Buena Park—California."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7673. Adulteration of tomato puree and tomato paste. U. S. v. 25 Cartons of Tomato Puree and 66 Cartons of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 14896. Sample Nos. 77258-F, 77259-F.)

LIBEL FILED: January 4, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about November 4, 1944, by the Uddo & Taormina Co., from Vineland, N. J.

PRODUCT: 25 cartons, each containing 24 1-pound, 12-ounce cans, of tomato puree, and 66 cartons, each containing 100 6½-ounce cans, of tomato paste, at Brooklyn, N. Y.

LABEL, IN PART: (Cans) "Mountain Beauty Tomato Puree [or "Paste"] Packed for La Sierra Heights Canning Co., Inc. Buena Park, California."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances.

DISPOSITION: March 5, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

NUTS AND NUT PRODUCTS*

7674. Adulteration of cashew nuts. U. S. v. 4 Cans of Cashew Nuts. Default decree of condemnation and destruction. (F. D. C. No. 14932. Sample No. 90628-F.)

LIBEL FILED: December 30, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 27, 1944, by William A. Higgins & Co., New York, N. Y.

PRODUCT: 4 25-pound cans of cashew nuts at Cleveland, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect-infested nuts.

DISPOSITION: January 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7675. Adulteration of mixed nuts in shell. U. S. v. 35 Cartons and 35 Bags of Mixed Nuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14439. Sample No. 63642-F.)

LIBEL FILED: On or about November 28, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 25, 1944, by Wm. A. Camp Co., Inc., from New York, N. Y.

PRODUCT: 35 25-pound cartons and 35 50-pound bags, at Atlanta, Ga.

LABEL, IN PART: (Cartons and bags) "Competition Brand Mixed Nuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and rancid nuts, and it was otherwise unfit for food by reason of the presence of empty shells.

DISPOSITION: January 2, 1945. The Wm. A. Camp Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

7676. Adulteration of toasted peanuts with sugar. U. S. v. Joseph Fingerhut (Havmor Food Products). Plea of guilty. Fine, \$300. (F. D. C. No. 11360. Sample No. 45036-F.)

INFORMATION FILED: September 12, 1944, Eastern District of New York, against Joseph Fingerhut, trading as Havmor Food Products, Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about August 20, 1943, from the State of New York into the State of Connecticut.

LABEL, IN PART: (Packages) "Havmor Tasty Toasted Nuts Consists of Sugar and Peanuts."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live worms, dead worms, and moldy nuts; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 9, 1944. The defendant entered a plea of guilty and a fine of \$300 was imposed.

7677. Adulteration of peanuts. U. S. v. 400 Bags of Peanuts (and 6 other seizure actions against peanuts). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 14453, 14481, 14486, 14773 to 14776, incl. Sample Nos. 89745-F, 89747-F, 89749-F, 99116-F to 99118-F, incl., 99122-F to 99124-F, incl.)

LIBELS FILED: Between November 8 and December 14, 1944, Eastern District of Missouri.

*See also Nos. 7560, 7563, 7564, 7694.

ALLEGED SHIPMENT: Between on or about October 19, 1943, and June 17, 1944, from Cordele, Cairo, Edison, Dawson, and Atlanta, Ga., and Bloomington, Ill.

PRODUCT: 219 100-pound bags, and 2,594 bags, each containing approximately 125 pounds, of peanuts at St. Louis, Mo., in the possession of the Tyler Warehouse and Cold Storage Co.

This product was stored, after shipment, under insanitary conditions. Many of the bags were rodent-gnawed, and rodent pellets were observed on most of the bags. Examination showed that a portion of the product contained rodent hair fragments, another portion contained weevils, larvae, and moldy peanuts, and the remainder contained rodent excreta pellets.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, and one lot also consisted in whole or in part of a decomposed substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 4 and 6, 1945. The Georgia Peanut Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be processed and brought into compliance with the law, under the supervision of the Food and Drug Administration.

7678. Adulteration of peanuts. U. S. v. 78 Bags and 11 Bags of Peanuts. Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 14464 to 14466, incl. Sample Nos. 68879-F, 86303-F, 86305-F.)

LIBELS FILED: On or about November 13 and 14, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about August 24, 1944, by the Boykins Peanut Co., from Boykins, Va.

PRODUCT: 89 bags of peanuts, at Denver, Colo.

LABEL, IN PART: "BO-CO Hand Picked Jumbo Virginia Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and moldy peanuts.

DISPOSITION: December 9, 1944. The Boykins Peanut Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be sorted and brought into compliance with the law, under the supervision of the Food and Drug Administration.

7679. Adulteration of peanuts. U. S. v. 200 Bags of Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14460. Sample No. 89744-F.)

LIBEL FILED: November 8, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 7 and 14, 1942, by the Fletcher Wilson Coffee Co., from Nashville, Tenn.

PRODUCT: 200 100-pound bags of peanuts, at St. Louis, Mo.

LABEL, IN PART: "Extra Fancy Luxury Hand Picked Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-damaged peanuts.

DISPOSITION: On or about December 27, 1944. The Christopher Confectionery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7680. Adulteration of shelled peanuts. U. S. v. 456 Bags of Shelled Peanuts. Consent decree of condemnation. Product ordered released under bond for reprocessing. (F. D. C. No. 13836. Sample No. 63564-F.)

LIBEL FILED: September 29, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 25, 1944, by the Hartford Peanut Co., from Hartford, Ala.

PRODUCT: 456 110-pound bags of shelled peanuts at Atlanta, Ga.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rancid and decomposed peanuts.

DISPOSITION: November 17, 1944. The H & M Packing Co., Brooklyn, N. Y., claimant, having admitted the adulteration of the product as charged, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7681. Adulteration of peanuts. U. S. v. 17 Bags of Peanuts. Default decree of condemnation. Product ordered sold. (F. D. C. No. 14111. Sample No. 89726-F.)

LIBEL FILED: October 21, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 22, November 12, 24 and 30, and December 4, 1943, by the Parker Peanut Co., from Suffolk, Va.

PRODUCT: 17 100-pound bags of peanuts, at St. Louis, Mo.

LABEL, IN PART: "Parker Packt Jumbo Hand Picked Virginia Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: January 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold on condition that it should not be disposed of in violation of the law.

7682. Adulteration of peanuts. U. S. v. 50 Bags, 145 Bags, 300 Bags, and 54 Bags of Peanuts. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 14155, 14194. Sample Nos. 80376-F, 89729-F, 89730-F, 89731-F.)

LIBELS FILED: October 27 and November 4, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: Between on or about October 22, 1943, and February 15, 1944, by the Parker Peanut Co., from Suffolk, Va.

PRODUCT: 549 100-pound bags of peanuts, at St. Louis, Mo.

LABEL, IN PART: "Parker Packt Fancy [or "Jumbo"] Hand Picked Peanuts," or "Jumbo Fancy Hand Picked Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested peanuts, and a decomposed substance by reason of the presence of moldy and decomposed peanuts.

DISPOSITION: Between November 15 and 27, 1944. The David G. Evans Coffee Co., a corporation, claimant for the 50-bag and 300-bag lots, the Commercial Coffee Co., claimant for the 145-bag lot, and the General Grocer Co., a corporation, claimant for the 54-bag lot, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

7683. Adulteration of peanuts. U. S. v. 73 Bags of Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14455. Sample No. 89861-F.)

LIBEL FILED: November 14, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about May 23, 1944, by the Franklin Peanut Co., from Franklin, Va.

PRODUCT: 73 100-pound bags of peanuts, at Memphis, Tenn.

LABEL, IN PART: "Jumbo Virginia Whale Hand Picked Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect excreta.

DISPOSITION: November 20, 1944. The Mascari & Sons Co., Memphis, Tenn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and conversion of the unfit portion into stock feed, under the supervision of an officer designated by the Federal Security Agency Administrator.

7684. Adulteration of shelled peanuts. U. S. v. 143 Bags and 137 Bags of Peanuts. Consent decree of condemnation. Product released under bond for re-processing as animal feed. (F. D. C. No. 13973. Sample Nos. 54873-F, 54875-F.)

LIBEL FILED: October 18, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about March 15 and 24, 1944, by the Hodges Farm Products Co., from Bainbridge, Ga.

PRODUCT: 280 bags, each containing approximately 115 pounds, of peanuts at Milwaukee, Wis.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of dirty, insect-infested, and decomposed peanuts.

DISPOSITION: November 10, 1944. The claimant, the Sperry Candy Co., Milwaukee, Wis., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for processing so that it could not be used for human consumption but would be available for animal feed.

7685. Adulteration of shelled Spanish peanuts. U. S. v. 149 Bags and 166 Bags of Spanish Shelled Peanuts. Decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 14520, 14521. Sample No. 72995-F.)

LIBEL FILED: November 25, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about October 13, 1944, by the Woldert Peanut Products Co., from Dublin, Tex.

PRODUCT: 315 bags, each containing approximately 125 pounds, of peanuts at San Francisco, Calif.

This product was, in part, moldy.

LABEL, IN PART: "No. 1 Hand Picked Wolco Brand Spanish Shelled Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 9, 1945. The Stapleton-Smith Sales Co. having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

7686. Adulteration of peanut butter. U. S. v. 110 Cans of Peanut Butter. Default decree of condemnation. Product ordered disposed of in compliance with the law. (F. D. C. No. 14852. Sample No. 90563-F.)

LIBEL FILED: December 23, 1944, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about October 16, 1944, by the Food Specialties, Inc., Indianapolis, Ind.

PRODUCT: 110 cans, each containing 25 pounds, of peanut butter at Lexington, Ky.

LABEL, IN PART: (Cans) "Four Star Peanut Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments.

DISPOSITION: January 22, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of in compliance with the law by the United States marshal. The product was sold for use as hog feed.

7687. Misbranding of peanut butter. U. S. v. 149 Cases and 39 Cases of Peanut Butter. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 14747. Sample Nos. 99113-F, 99114-F.)

LIBEL FILED: On or about December 8, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 23, 1944, by the Robertson Peanut Co., from Clayton, Ala.

PRODUCT: 188 cases, each containing 12 jars, of peanut butter at Cape Girardeau, Mo.

LABEL, IN PART: (Jars) "Sales Brand Peanut Butter."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product was a food in package form, and it failed to bear a label containing an accurate statement of the quantity of contents since the jars contained less than the weight declared on the labels: "Net Weight 2 Lbs. [or "24 Oz."]."

DISPOSITION: On or about January 8, 1945. The Robertson Peanut Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

7688. Misbranding of peanut butter. U. S. v. 29 Cases of Peanut Butter. Consent decree of condemnation. Product ordered released under bond for relabeling or repacking. (F. D. C. No. 14829. Sample No. 70160-F.)

LIBEL FILED: January 11, 1945, District of Wyoming.

ALLEGED SHIPMENT: On or about June 9, 1944, by the Sessions Company, Inc., from Enterprise, Ala.

PRODUCT: 29 cases, each containing 24 jars, of peanut butter at Rock Springs, Wyo.

LABEL, IN PART: "Goldcraft Brand Peanut Butter Peanuts and Salt."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the label statement "Net Weight 1 Lb." was false and misleading as applied to the article, which was short-weight; and, Section 403 (c) (2), the product was in package form and it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 22, 1945. The Sessions Company, Inc., claimant, having consented to the entry of the decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling or repacking under the supervision of the Food and Drug Administration.

7689. Adulteration of pecan halves. U. S. v. 7 Cartons of Pecan Halves. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14645. Sample No. 78375-F.)

LIBEL FILED: December 11, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 31, 1944, by the Orangeburg Pecan Co., from Orangeburg, S. C.

PRODUCT: 7 60-pound cartons of pecan halves, at Philadelphia, Pa.

LABEL, IN PART: (Cartons) "Fancy Stuart Halves Fancy Perishable."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy nuts.

DISPOSITION: December 20, 1944. The Orangeburg Pecan Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The nuts were sorted and the unfit portion was destroyed.

7690. Adulteration of English walnuts. U. S. v. 9 Bags of Walnuts. Default decree of condemnation and destruction. (F. D. C. No. 14619. Sample No. 79772-F.)

LIBEL FILED: December 5, 1944, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about November 13, 1944, by the Erenbaum Produce Co., from Pittsburgh, Pa.

PRODUCT: 9 100-pound bags of walnuts, at Morgantown, W. Va.

LABEL, IN PART: (Bags) "No. 3 Cascade Brand Large Franquette Oregon Walnuts Grown & Packed for North Pacific Nut Growers Co-op. Dundee, Oregon."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OILS AND FATS

7691. Adulteration of French dressing. U. S. v. 98 Cases and 121 Cases of French Dressing (and 1 other seizure action against French dressing). Product ordered destroyed. (F. D. C. Nos. 14555, 14816. Sample Nos. 87742-F, 87743-F, 97701-F, 97702-F.)

LIBELS FILED: November 30 and December 21, 1944, District of Minnesota.

ALLEGED SHIPMENT: Between the approximate dates of August 29 and October 16, 1944, by Helen Harrison, from Bloomington, Ill.

PRODUCT: French dressing: 219 cases, each containing 24 8-ounce bottles, at Minneapolis, Minn.; and 84 cases, each containing 24 8-ounce bottles, and 34 cases, each containing 24 16-ounce bottles, at Duluth, Minn.

This product was undergoing active fermentation.

LABEL, IN PART: "Helen Harrison's French Dressing with Chutney."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 5 and February 6, 1945. No claimant having appeared, the product was ordered destroyed.

7692. Adulteration of French dressing. U. S. v. 124 Cases, 106 Cases, and 28 Cases of French Dressing. Default decree ordering product destroyed. (F. D. C. No. 14556. Sample Nos. 87910-F to 87912-F, incl.)

LIBEL FILED: November 30, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about September 5 and 29, and August 7, 1944, by Helen Harrison, from Bloomington, Ill.

PRODUCT: French dressing; 124 cases, each containing 24 8-ounce bottles, 106 cases, each containing 24 16-ounce bottles, and 28 cases, each containing 12 27½-ounce bottles, at St. Paul, Minn.

LABEL, IN PART: "Helen Harrison's French Dressing with Chutney."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 11, 1945. No claimant having appeared, the product was ordered destroyed.

7693. Misbranding of edible oil. U. S. v. 109 Tins of Oil. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 13784. Sample No. 81877-F.)

LIBEL FILED: On or about September 12, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about August 1, 1944, by the Italian Cook Oil Corporation, Brooklyn, N. Y.

PRODUCT: 109 tins of edible oil, at Bridgeport, Conn.

LABEL, IN PART: (Tins) "Italian Cook Pure Corn and Cottonseed Salad Oil Packed By Agash Refining Corp. Brooklyn, New York."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product was a food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "One Pint" was inaccurate.

DISPOSITION: January 8, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions, and the labels removed.

7694. Misbranding of peanut oil. U. S. v. 20 Cases of Peanut Oil. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 13187. Sample No. 74802-F.)

LIBEL FILED: August 17, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about February 28, 1944, by the Agash Refining Corporation, from Brooklyn, N. Y.

PRODUCT: 20 cases, each containing 24 bottles, of peanut oil at Seattle, Wash.

LABEL, IN PART: (Bottles) "Royal Cook Brand Peanut Oil."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the label statement "One Pint" was false and misleading as applied to a product which was short-volume; and, Section 403 (e) (2), the product was a food in package form, and it failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: November 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

MISCELLANEOUS FOOD PRODUCTS

7695. Adulteration of beeswax. U. S. v. 20 Cartons of Beeswax. Default decree of condemnation and destruction. (F. D. C. No. 14755. Sample No. 59958-F.)

LIBEL FILED: On or about December 15, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 10, 1944, by Smith and Nichols, Inc., from New York, N. Y.

PRODUCT: 20 cartons containing a total of 1,066½ pounds of beeswax at Chicago, Ill.

Analysis showed that the article was artificially colored with ortho amido toluol, a non-certifiable coal-tar dye. The article was purchased for use as an ingredient in the manufacture of candy.

LABEL, IN PART: "Special Commercial Yellow-Wax Compound For Technical or Mechanical Purposes Only."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous and deleterious substance, ortho amido toluol, a carcinogenic coal-tar dye, which may have rendered it injurious to health; and Section 402 (c), it contained a coal-tar color that had not been listed for use in foods and was other than one from a batch that had been certified.

DISPOSITION: March 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7696. Adulteration of saccharic acid. U. S. v. 2 Barrels of Saccharic Acid (and 1 other seizure action against saccharic acid). Default decrees of condemnation and destruction. (F. D. C. Nos. 13705, 13908, 13909. Sample Nos. 10574-F, 10575-F, 36266-F).

LIBELS FILED: September 21 and October 6, 1944, District of Colorado and Northern District of California, respectively.

ALLEGED SHIPMENT: Between the approximate dates of March 24 and July 15, 1943, by the Brocker Chemical Co., from Morganville, N. J.

PRODUCT: Saccharic acid: 2 barrels, each containing 10 gallons, at La Junta, Colo., and 80 barrels, each containing approximately 500 pounds, at San Francisco, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained added poisonous or deleterious substances, hydrocyanic acid and oxalic acid, which may have rendered it injurious to health.

DISPOSITION: December 9 and 12, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

7697. Adulteration of saccharic acid. U. S. v. 3 Barrels of Saccharic Acid. Default decree of condemnation and destruction. (F. D. C. No. 13704. Sample No. 42697-F.)

LIBEL FILED: On or about September 26, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about May 28, 1943, by the Brocker Chemical Co., from Morganville, N. J.

PRODUCT: 3 500-pound barrels of saccharic acid at Portland, Oreg.

This product was unlabeled, but was invoiced as "Saccharic Acid 40%."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained added poisonous or deleterious substances, hydrocyanic acid and oxalic acid, which may have rendered it injurious to health.

DISPOSITION: On or about November 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7698. Adulteration of soup mix. U. S. v. 7 Cases of Soup Mix. Default decree of condemnation and destruction. (F. D. C. No. 13114. Sample No. 69723-F.)

LIBEL FILED: On or about August 7, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about December 29, 1943, by the G. A. Goodrich Co., Chicago, Ill.

PRODUCT: 7 cases, each containing 24 2¾-ounce packages, of soup mix at Amarillo, Tex.

LABEL, IN PART: "Red & White Brand Egg Noodle Soup Mix with Chicken Fat."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent-like hairs, larvae, larva fragments, and insect fragments.

DISPOSITION: September 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7699. Adulteration of powdered soups. U. S. v. 15 Cases and 9 Cases of Powdered Soup. Default decree of condemnation and destruction. (F. D. C. No. 14798. Sample No. 92365-F.)

LIBEL FIELD: December 18, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about October 13, 1944, by the Sardik Food Products Corporation, from Louisville, Ky.

PRODUCT: 24 cases, each containing 12 2-pound cartons, of powdered soups at Lockport, N. Y.

LABEL, IN PART: "Sardik * * * Dry Mixed-Powdered Pea-Soya [or "Bean"] Soup."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: January 15, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

7700. Adulteration of Emulsol Stabilizer. U. S. v. 44 Bags of Emulsol Stabilizer. Default decree of condemnation and destruction. (F. D. C. No. 13697. Sample No. 68084-F.)

LABEL FILED: September 19, 1944, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about August 2, 1944, by the Emulsol Corporation, from Chicago, Ill.

PRODUCT: 44 100-pound bags of Emulsol Stabilizer, at Knoxville, Tenn.

LABEL, IN PART: "Emulsol Stabilizer #5 Composed of Modified Cereal Starches, Vegetable Proteins, Vegetable Gums, Salt, Dextrines and Fruit Acid."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: November 30, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was disposed of as animal feed.

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	N. J. No.		N. J. No.
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flour-----	7519	Spring Valley Butter Co.:	
Orangeburg Pecan Co.:		butter-----	7588
pecan halves-----	7689	Standard Fruits, Inc.:	
Oroville Cordell Fruit Growers:		apples-----	7632
apples-----	7632	Standard Margarine Co., Inc.:	
Otis Terminal Warehouse Corp.:		olcomargarine-----	7598
brown sugar-----	7577	Standard Milling Co.:	
Pappas, Clement, and Co.:		flour-----	7514
tomato puree-----	7670	Steed, J. R., and Son:	
Parker Peanut Co.:		frozen shrimp-----	7617
peanuts-----	7681, 7682	Sterling Canning Co.:	
Paul Brothers:		canned corn-----	7650
raisins-----	7629	Sterling Food Products:	
Pearsall, B. S., Butter Co.:		fruit mix-----	7640
oleomargarine-----	7597	Stern Fish Co.:	
Perfect, A. H., & Co., Inc.:		frozen shrimp-----	7616
egg noodles-----	7501	Sugar Creek Creamery Co.:	
Pfrang, Inc.:		butter-----	7580
egg noodles-----	7502	Superior Macaroni Co.:	
Poppy Food Products Co.:		egg noodle and cheese dinner-----	7504
white corn-----	7543	Swift & Co.:	
Potter-McCune Co.:		frozen whole eggs-----	7599
canned salmon-----	7612	Tarzana Herb Farm:	
Prentice Packing Co.:		California sage-----	7621
pears-----	7637	Terminal Refrigeration Co.:	
Preserves, Inc.:		frozen whole eggs-----	7603
assorted jellies-----	7643	Terminal Storage Co. of Washington:	
Priest, F. M., & Sons:		yellow corn meal-----	7545
shell eggs-----	7607	Twitchell Champlin Co.:	
Radford, J. M., Grocery Co.:		imitation chocolate extract-----	7618
phosphated flour-----	7533	Tyler Warehouse and Cold Storage	
Rea-Patterson Flour Mills:		Co.:	
flour-----	7520	peanuts-----	7677
Red River Milling Co.:		Uddo & Taormina Co.:	
flour-----	7518	tomato puree and tomato paste-----	7667, 7673
Rice City Milling Co.:		United Farmers Coop. Creamery Assn.,	
rice grits-----	7554	Inc.:	
Richards Milling Co.:		butter-----	7583
enriched flour-----	7529	United States Cold Storage:	
Riverview Damascus Milk Co.:		frozen shrimp-----	7614
butter-----	7584	United Wholesale Grocers, Inc.:	
Robertson Peanut Co.:		tomato catsup-----	7663
peanut butter-----	7687	Valders Canning Co.:	
Robinson, J. B.:		canned peas-----	7658
cocoa residue-----	7571	Valley Canning Co.:	
Rose Warehouse Co.:		canned green beans-----	7645
flour-----	7525	Vandewart, Mark, Co., Inc.:	
Rosenberg Bros. & Co.:		sirup-----	7572
fig paste-----	7639	Victory Extract Mfg. Co.:	
Rothenberg & Schneider Bros., Inc.:		imitation chocolate extract-----	7618
frozen whole eggs-----	7602	Vinita Dairy Products Co.:	
Russian-Polish Importing Co.:		butter-----	7579
dried mushrooms-----	7652, 7653	Walters, C. W.:	
Ryser, Frank, Co.:		pies-----	7511
grated, Italian type cheese-----	7592	Wasco Warehouse Milling Co.:	
St. Louis Rice Milling Co.:		flour-----	7521
pearled barley-----	7537	Washington Doughnut Co. See Mase-	
San Francisco Rice Co.:		las, J. G.:	
rice-----	7550	Weksler Egg Co.:	
Sardik Food Products Corp.:		frozen whole eggs-----	7603
powdered soups-----	7699	Wenatchee Beebe Orchard Co.:	
Seng Terminal Warehouse:		apples-----	7634
dried apple pomace-----	7638	West Bend Canners, Inc.:	
Sessions Co., Inc.:		canned peas-----	7656
peanut butter-----	7688	Western Star Mill Co.:	
Seymour Canning Co.:		flour-----	7513
canned peas-----	7654	White Baking Co. of Missouri, Inc.:	
Shafton Co.:		chocolate-----	7568
apples-----	7635	Wilder Cooperative Creamery:	
Shefford Cheese Co.:		butter-----	7586
pimento cheese-----	7594	Willmeng, J. L., & Sons:	
Sieber, R.:		apples-----	7631
apples-----	7633	Wilson:	
Silver Hill Products, Inc.:		butter-----	7578
chocolate sirup-----	7569	Wilson, J. L.:	
Skinner Manufacturing Co.:		pinto beans-----	7647
whole wheat flakes-----	7558	Wilson and Co., Inc.:	
Smith and Nichols, Inc.:		frozen whole eggs-----	7601, 7606
beeswax-----	7695	Wittner, George, & Co., Inc.:	
Sorensen Creameries:		butter-----	7585
butter-----	7587	Woldert Peanut Products Co.:	
Sorrento Cheese, Inc.:		shelled Spanish peanuts-----	7685
cheese-----	7589	Yung & Mueller Bakery Co.:	
		pies-----	7511
		Zuercher, C. E., and Co.:	
		blue cheese-----	7591

